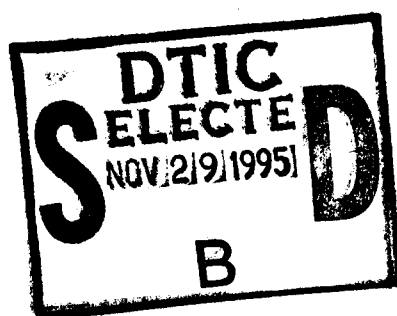


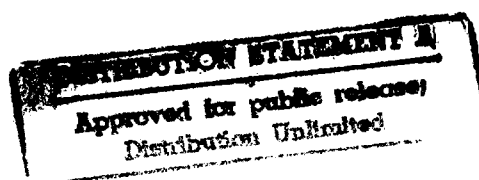


*NATIONAL WETLAND MITIGATION  
BANKING STUDY  
An Examination of Wetland Programs:  
Opportunities for Compensatory Mitigation*

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19941202 136

## ***National Wetland Mitigation Banking Study***

*This report is part of a series of reports that are being published during the National Wetland Mitigation Banking Study. General background information pertaining to wetland mitigation banking and the scope of the National Study were the subjects of a report published during the first year of the study.*

*Wetlands Mitigation Banking Concepts* IWR Report 92-WMB-1, prepared by Richard Reppert, Institute for Water Resources, July 1992, 25pp.

*A number of reports presenting the results of the first phase of the National Study are expected to be published in 1994. Among the reports already published, in addition to this report include:*

*Wetland Mitigation Banking: Resource Document* IWR Report 94-WMB-2, prepared by the Environmental Law Institute and the Institute for Water Resources. This report presents bank-specific information obtained by the National Study in its inventory of banks and detailed case study histories of 22 wetland mitigation banks. The report also includes an annotated wetland mitigation banking bibliography and a summary of study findings on fee-based compensatory mitigation.

*Expanding Opportunities for Compensatory Mitigation: The Private Credit Market Alternatives* IWR Report 94-WMB-3, prepared by Leonard Shabman, Dennis King, and Paul Scodari. This report looks at the economic forces affecting the market for mitigation credits. A framework that describes the factors affecting the supply and demand of mitigation credits is presented. Interviews with prospective entrepreneurial bankers were conducted. Also interviewed are relevant regulatory and resource officials for several of the banks.

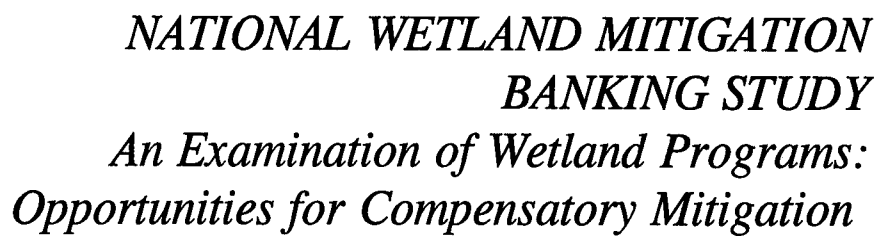
*First phase report* IWR Report 94-WMB-4, prepared by Robert Brumbaugh and Richard Reppert, Institute for Water Resources. Summation of findings of phase one of the National Wetland Mitigation Banking Study and recommendations for the final study phase.

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## EXECUTIVE SUMMARY

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Wetland restoration, creation or enhancement is frequently required as a condition of §404 permits, issued under the Clean Water Act, as compensatory mitigation for adverse impacts to wetlands due to removal or fill activities associated with a variety of projects. Different approaches have been taken to try to satisfy compensatory mitigation requirements. Some of these approaches include on-site mitigation efforts, participation in wetland mitigation banks or joint projects, and monetary- or fee-based compensation arrangements.

Off-site compensatory mitigation (such as banks and fee-based compensation arrangements) may be assisted or rendered more effective in some cases if linked to an existing wetland program. Fee-based compensation arrangements appear to be particularly well-suited to consider linkage with a specific wetland program. As part of fee-based compensation arrangements, funds can be provided to conservation entities that facilitate wetland restoration, creation or enhancement, either through established programs or on an ad-hoc basis. Fees are pooled to fund projects that are larger and intended to be more ecologically beneficial than mitigation implemented individually. These arrangements have been established to accommodate the mitigation requirements of numerous, often small wetland impacts, and they have been designed to be either optional or mandatory, on a case-by-case basis. Most often, the program managers are conservation agencies or organizations, which may either use the mitigation fees alone to fund the wetland mitigation projects or in conjunction with funds from programmatic or other sources.

Programs for fee-based compensation can be attractive to permittees, regulators, and

conservation interests. They enable the consolidation and more timely response to applications which would otherwise consist of numerous mitigation projects requiring in-depth individual investigations. Undertaking fewer, but larger wetland projects--thoughtfully conceived and technically sound--can improve ecological viability, provide greater probability of success, and greater ease of monitoring and management. Such initiatives can also provide greater economies of scale in terms of planning, construction, and other aspects of project implementation. These arrangements can also be established to contribute to regional wetland priorities.

Existing programs that implement or facilitate wetland restoration, creation or enhancement projects could also benefit from implementing compensatory mitigation. Programs supported by voluntary contributions or cost-share funds could coordinate the disbursement of compensatory mitigation fees on a project-by-project basis. Under an alternative arrangement, potentially greater benefits could be achieved if such programs were authorized to pool compensatory mitigation fees to fund larger and perhaps more successful wetland projects.

The purpose of this report is to identify programs that, given the appropriate implementation vehicle, could potentially accommodate compensation mitigation arrangements in the future.

It should be noted that providing funds for some future, unspecified compensation activity is not widely supported or promoted by regulatory agencies. Thus, compensation fees that are not "earmarked" for specific wetland restoration or management activities and with no

## *Executive Summary*

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timetable for implementation of those activities may not be appropriate for compensatory mitigation. In addition, it is not appropriate to apply compensatory mitigation fees to public programs that are already planned or in place. Compensation should be for values supplemental to those public programs. Federally-funded wetland conservation projects undertaken for other purposes under separate authority should not be used for the purpose of generating credits (compensation).

Sixty-eight programs were identified that conduct or facilitate wetland restoration or creation. Information was collected on: program authority; the types of projects or activities associated with the program; the geographic scope of the program; how sites are selected; who performs the restoration, creation or enhancement activities; eligibility for participation in the program; and current sources of funds. Of the programs identified, brief

profiles were prepared for a smaller number of them (14 Federal, nine state and six nonprofit organization programs) that may have the greatest potential for accepting mitigation fees and implementing projects that could satisfy mitigation requirements.

Explicit requirements for facilitating operation, maintenance, and long-term management should be considered among the key elements for successful compensatory mitigation. Programs that include these elements are often under a public agency or private nonprofit organization with established policies or guidelines for resource stewardship, which can help assure that individual wetland projects will be maintained and managed properly. In order to help provide for this, §404 permits could be conditioned such that a portion of the compensatory mitigation fee is allotted to operation, management, and monitoring.



## ACKNOWLEDGEMENTS

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This report was prepared as part of the National Wetland Mitigation Banking Study conducted by the Institute for Water Resources (IWR), U.S. Army Corps of Engineers. The study (hereafter referred to as the national study) was authorized by Section 307(d) of the Water Resources Development Act of 1990. The ideas for this report evolved from the evaluation of existing and planned wetland mitigation banking and fee-based compensatory mitigation initiatives.

The work was performed by Apogee Research, Inc. with Amy Doll as the principal investigator. Lynn Martin Lamar (IWR) was the project manager for this study.

The national study is being conducted within the IWR Policy and Special Studies Division, whose chief is Eugene Z. Stakhiv. This report and the national study have benefitted from Dr. Stakhiv's review and guidance throughout the course of the ongoing effort.

Kyle Schilling is the Director of IWR. Richard Worthington oversees the study for the Policy and Planning Division of the Headquarters of the U.S. Army Corps of Engineers (HQUSACE). The IWR national study manager is Robert Brumbaugh, who provided many critical comments during all phases of this effort.

We gratefully acknowledge the program points of contact who contributed information to the programs discussed in this study. Finally, we gratefully acknowledge Richard Reppert of the IWR national study team and Jim Hilton (HQUSACE Regulatory Branch) for their helpful comments, as well as James Comiskey and Margaret McGrath for their review of the draft report. Jack Chowning (HQUSACE Regulatory Branch) and Julie Metz (Corps Baltimore District) provided helpful comments on the final draft. Rob Cantave and Brian Chromey provided assistance in the preparation of this report for publication.



## 1. INTRODUCTION

The purpose of this report is to identify and describe existing programs that facilitate or implement wetland resource management, and explore how these different programs could potentially accommodate compensatory mitigation as required under §404 of the Clean Water Act. In the United States, wetland projects efforts are usually implemented within two general contexts: 1) as a component of regulatory programs, wetlands are restored or created as compensatory mitigation for the unavoidable adverse impacts of development projects on wetlands (see below); and 2) wetlands restoration or creation efforts are conducted for resource management or stewardship objectives, such as enhancement of specific wetland functions, in particular, wildlife (especially waterfowl) habitat. Within this second context, a range of programs exists that conduct, or are authorized to conduct, projects or activities associated with wetlands restoration or creation.

### **Compensatory Mitigation under §404 of the Clean Water Act**

Section 404 of the Clean Water Act is administered jointly by the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA). The §404 regulatory program requires a Federal permit for discharges of dredged or fill material into the nation's waters, including most wetlands. Most §404 permit applications are processed by the COE, as only one state (Michigan) has assumed operation of the program. In some states, COE and the state have agreements for joint processing of §404 permit applications and those of related permits under state regulatory programs. As far as wetland projects undertaken for compensatory mitigation, this report focuses exclusively on the Federal §404 permit program.

Depending on the circumstances, compensatory mitigation may be required as a condition of Federal §404 permits for the discharge of dredged or fill material into wetlands and other ecologically valuable aquatic sites. The §404(b)(1) Guidelines<sup>1</sup> promulgated by EPA, and the 1990 Memorandum of Agreement (MOA) between EPA and the Department of the Army<sup>2</sup> establish mitigation sequencing requirements for the §404 permit review process. The sequencing approach involves first avoidance of adverse impacts to aquatic resources, then minimization of unavoidable impacts, and finally, compensatory mitigation of unavoidable adverse impacts. In evaluating §404 permit applications, the COE follows a three-step sequence regarding mitigation:

- Determine that potential adverse impacts have been avoided to the maximum extent practicable
- Require that appropriate and practicable measures be taken to minimize the remaining unavoidable adverse impacts
- Require that appropriate and practicable actions be taken to compensate for unavoidable adverse impacts

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<sup>1</sup>The regulations implementing §404(b)(1) of the Clean Water Act are known as the §404(b)(1) Guidelines and are located at 40 CFR Part 230.

<sup>2</sup>"Memorandum of Agreement Between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines," (February 6, 1990).



## *Introduction*

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The MOA defines compensatory mitigation as the restoration or creation of wetlands expressly for the purpose of compensating for unavoidable adverse impacts that remain after all appropriate and practicable minimization has been accomplished. In practice, compensatory mitigation often involves restoring existing, degraded wetlands or creating man-made wetlands.

Different approaches have been taken to try to satisfy compensatory mitigation requirements. Some of these approaches include on-site efforts, participation in wetland mitigation banks or joint projects, and fee-based compensation arrangements. Under the 1990 MOA, compensatory actions should be undertaken, when practicable, in areas adjacent or contiguous to the discharge site (i.e., on-site compensatory mitigation). If on-site compensatory mitigation is not practicable, off-site compensatory mitigation should be undertaken in the same geographic area and, to the extent possible, in the same watershed.<sup>3</sup> Off-site compensatory mitigation (such as banks and fee-based compensation arrangements) may be assisted or rendered more effective in some cases if linked to an existing wetland program.

Fee-based compensation arrangements appear to be particularly well suited for linkage with specific wetland programs and such linkages can prove synergistic to both the mitigation need and the wetland program. These monetary based compensation arrangements, also called "in-lieu fee systems," include: trusts and special financial accounts, as well as programs that facilitate wetland restoration, creation or enhancement, and ad-hoc situations where money is paid to a

conservation entity for acquisition of wetland property or implementation of either specific or general wetland projects involving restoration, enhancement, creation, preservation or some combination of these.

Fee-based compensation programs have been established to accommodate the mitigation requirements when numerous, often small, wetland impacts are being incurred. They have been established to be either optional or mandatory, on a project-by-project basis. In both instances, fees are pooled to fund projects that are larger and intended to be more ecologically beneficial than mitigation implemented individually. Most often, the program managers are conservation agencies or organizations, which may either use the mitigation fees alone to fund the wetland mitigation projects or in conjunction with funds from programmatic or other sources. It is theorized that the wetland projects implemented by these entities stand a better chance of being successful than individual efforts, because of the experience, expertise, and inherent missions or charters of the implementing organizations.

It should be noted that providing funds for some future unspecified compensation activity is not widely supported or promoted by regulatory agencies. Thus, compensation fees that are not "earmarked" for specific wetland restoration or management activities and with no timetable for implementation of those activities may not be appropriate for compensatory mitigation. In addition, it is not appropriate to apply compensatory mitigation fees to public programs that are already planned or in place. Compensation should be for values supplemental to those public programs. Federally-funded wetland conservation projects undertaken for other purposes under separate authority should not be used for the purpose of generating credits (compensation).

Programs for fee-based compensation can be attractive to permittees, regulators, and

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<sup>3</sup>The consideration of off-site compensatory mitigation was essentially affirmed in the joint EPA-Army Memorandum to the Field on "Establishment and Use of Wetland Mitigation Banks in the Clean Water Act Section 404 Regulatory Program", (August 23, 1993).

conservation interests. They enable the consolidation and more timely response to applications which would otherwise consist of numerous projects requiring in-depth individual investigation. From the §404 standpoint, these programs can be implemented through the use of either a general permit or individual permits, depending on the situation. Undertaking fewer, larger wetland projects can achieve economies of scale in terms of planning, construction, and other aspects of project implementation as well as greater ecological viability, greater probability of success, and greater ease of monitoring and management. These arrangements can also be established to focus greater effort on regional wetland priorities. In instances where the need for alternatives to on-site mitigation are infrequent, ad-hoc arrangements have been utilized where regulatory agencies determine that fee-based compensation is appropriate.

### **Wetlands Functions and Values**

In determining compensatory mitigation requirements for a §404 permit, the 1990 MOA requires that COE consider the functional values lost by the wetland being impacted. The MOA also states that in-kind compensatory mitigation is generally preferable to out-of-kind mitigation.<sup>4</sup> Accordingly, determining compensatory mitigation in the §404 permit review process involves consideration of wetlands functions and values in an attempt to achieve replacement of the impacted resources. Functional values are usually assessed by applying site assessment techniques such as the COE's Wetland Evaluation Technique.

The §404(b)(1) Guidelines recognize a wide range of functions provided by wetlands in their

natural state. The most widely valued function of wetlands, however, is providing habitat for fish, waterfowl and other wildlife. Other wetland functions include hydrological functions (e.g., flood conveyance, flood storage, groundwater recharge), water quality improvement (e.g., sediment control, nutrient removal) as well as recreational, educational, and aesthetic functions. A more comprehensive list of the functions and values of wetlands is found on the following page.

### **Organization of the Report**

This report reviews programs identified in 1992 and 1993 that facilitate wetlands restoration in the United States. Wetland restoration projects or activities are undertaken by these programs primarily for resource management objectives. The report also explores the potential for these programs to accommodate the implementation of compensatory mitigation as required under §404 of the Clean Water Act.

Chapter 2 defines the terms used in the study, provides an overview of wetland restoration activities, and summarizes the overall approach for the study as well as the criteria used to evaluate the ability of program to facilitate wetland restoration, creation or enhancement for compensatory mitigation. These criteria were used to select programs for the inventory of wetland restoration programs presented in Chapter 3, which includes summary tables of information collected on the characteristics of each program. Chapter 4 presents brief profiles with additional information on a smaller number of selected programs, which appear most applicable to facilitating wetland projects. Chapter 5 explores the relevance of certain wetland restoration program activities and characteristics to compensatory mitigation, and Chapter 6 briefly summarizes how such programs could potentially link to compensatory mitigation.

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<sup>4</sup>Use of out-of-kind compensation is not precluded in the context of wetland mitigation banks, in the Joint EPA-Army Memorandum to the Field, on August 23, 1993.

## Introduction

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*Flood conveyance* -- Riverine wetlands and adjacent floodplain lands often form natural floodways that convey flood waters from upstream to downstream points.

*Barriers to waves and erosion* -- Coastal wetlands and those inland wetlands adjoining larger lakes and rivers reduce the impact of storm tides and waves before they reach upland areas.

*Flood storage* -- Inland wetlands may store water during floods and slowly release it to downstream areas, lowering flood peaks.

*Sediment control* -- Wetlands reduce flood flows and the velocity of flood waters, reducing erosion and causing flood waters to release sediment.

*Fish and shellfish* -- Wetlands are important spawning and nursery areas and provide sources of nutrients for commercial and recreational fin and shellfish industries, particularly in coastal areas.

*Habitat for waterfowl and other wildlife* -- Both coastal and inland wetlands provide essential breeding, nesting, feeding, and predator escape habitats for many forms of waterfowl, other birds, mammals, and reptiles.

*Habitat for rare and endangered species* -- Almost 35 percent of all rare and endangered species are either located in wetland areas or are dependent on them, although wetlands constitute only about 5 percent of the nation's lands.

*Recreation* -- Wetlands serve as recreation sites for fishing, hunting, and observing wildlife.

*Water supply* -- Wetlands are increasingly important as a source of ground and surface water with the growth of urban centers and dwindling ground and surface water supplies.

*Food production* -- Because of their high natural productivity, both tidal and inland wetlands have unrealized food production potential for aquaculture and harvesting of marsh vegetation.

*Timber production* -- Under proper management, forested wetlands are an important source of timber, despite the physical problems of timber removal.

*Historic, archaeological values* -- Some wetlands are of archaeological interest. Indian settlements were located in coastal and inland wetlands, which served as sources of fish and shellfish.

*Education and research* -- Tidal, coastal, and inland wetlands provide educational opportunities for nature observation and scientific study.

*Open space and aesthetic values* -- Both tidal and inland wetlands are areas of great diversity and beauty and provide open space for recreational and visual enjoyment.

*Water quality* -- Wetlands contribute to improving water quality by removing excess nutrients and many chemical contaminants. They are sometimes used in tertiary treatment of wastewater.

Source: *Protecting America's Wetlands: An Action Agenda*, The Final Report of the National Wetlands Policy Forum, (Washington DC: The Conservation Foundation, 1988), p. 10.

## Wetlands Functions and Values



## 2. DEFINITIONS, APPROACH, AND SELECTION CRITERIA

This chapter provides definitions of important terms used in this study, a brief overview of wetland restoration and creation activities, as well as the types of problems encountered in restoration and creation projects. This chapter also summarizes the overall approach to identifying programs that facilitate wetland restoration or creation (see Chapter 3) and to developing profiles of selected wetland restoration programs (see Chapter 4). The selection criteria used to evaluate the ability of a program to facilitate wetlands restoration, creation or enhancement are also described.

### Definition of Terms

While the wide diversity of wetland habitat types makes it difficult to define a wetland, wetlands generally can be defined as transitional areas between aquatic and terrestrial ecosystems. Wetlands have a legal definition for regulatory purposes under the Clean Water Act §404(b)(1) Guidelines. The major Federal agencies involved in wetlands regulation prepared the 1989 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* to provide technical guidance for delineating wetland boundaries under the §404 regulations. The controversy spawned by the 1989 Manual exemplifies the difficulty of defining a wetland. Until the controversy over the 1989 manual is resolved, Congress has directed the U.S. Army Corps of Engineers to use the earlier 1987 manual for identifying wetlands under Federal jurisdiction. For purposes of this study, the term "wetland" will be consistent with its use in implementing the current Federal regulations.

The terms used to describe wetland projects differ among individuals and organizations. For example, what some call

wetland enhancement would be called restoration by others. For the purposes of this report, the following definitions of wetland restoration, creation, and enhancement are used:

**Wetland Restoration.** Restoration. Restoration is defined as returning a wetland, by some human action, from an altered or disturbed condition to a previously existing natural or altered condition.

**Wetland Creation.** Creation is defined as the intentional conversion of a persistent upland or open water area into a wetland.

**Wetland Enhancement.** Enhancement is defined as improving one or more wetland functions at an existing wetland to meet a specific objective or set of objectives.

Several types of programs were specifically excluded from consideration in this study and thus are not included in the inventory of wetland restoration programs presented in Chapter 3. These are programs that focus exclusively on the preservation of existing wetlands and programs that involve acquisition and management of wetlands for fish and wildlife habitat, if they did not also involve improvement of wetland functions to meet fish and wildlife habitat objectives. These categories of programs were excluded because the 1990 MOA states that acquisition or preservation of existing wetlands will be acceptable as compensatory mitigation

## **Definitions, Approach, And Selection Criteria**

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only in exceptional circumstances.<sup>5</sup> Finally, state regulatory programs under wetland protection statutes and activities directly associated with such programs were also excluded. State regulatory programs typically focus on the issuance of wetland permits and do not directly support the implementation of wetland projects apart from their regulatory activities.

### **Overview of Wetland Restoration and Creation Activities**

Because wetland restoration presumes a previous alteration of a wetland, it is first necessary to understand the types of alterations that occur in wetlands. A recent study by the National Research Council, *Restoration of Aquatic Ecosystems*, identifies three broad categories of destructive alterations to wetlands -- biological, chemical, and physical. Biological alterations typically involve disruptions of natural plant or animal populations. Chemical alterations arise, for example, from changing nutrient levels or the introduction of toxic compounds that adversely affect wetland plants and animals. Physical alterations have been the most damaging to wetlands by disrupting or eliminating the topography or hydrology supporting the wetland ecosystem. Historical evidence shows that the most significant loss of wetlands is due to agricultural practices, in particular, draining wetland areas through ditching and tiling. Other physical alterations include filling (especially in urban areas), dredging in harbors and waterways, construction of dams or other surface water diversions, and groundwater depletion from wells. Often, physical alterations result not only

in local disturbances to wetlands at the site but also cause regional disturbances by affecting nearby wetlands and downstream ecosystems.<sup>6</sup>

For a given wetland restoration project, the specific restoration activities conducted depend on the wetland type, the nature and degree of disturbance to the wetland ecosystem, and the goals of the restoration effort. Typically, the more complex sites require a wider range of restoration activities. Examples of common wetland restoration techniques are listed below:

- **Reestablishing river flow** (e.g., installing structures to redirect water flow back into old river channels and adjacent marsh)
- **Restoring flood regimes** (e.g., removing dams, dikes or levees that cause flooding, and removing sediment that has altered the elevation of a wetland)
- **Halting drainage** (e.g., removing subsurface drainage tile systems from agricultural lands)
- **Reestablishing topography** (e.g., removal of materials from filled wetlands and replacement of materials in dredged wetlands)
- **Controlling contaminant loadings** (e.g., removal of contaminant inflow by removal of already deposited, chemically contaminated material)
- **Reestablishing biota** (e.g., planting vegetation to enhance the process of ecological succession to a native plant

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<sup>5</sup>"Memorandum of Agreement Between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines," (February 6, 1990). This was reaffirmed by the Joint EPA-Army Memorandum to the Field on the subject of wetland mitigation banking (August 23, 1993).

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<sup>6</sup>National Research Council, *Restoration of Aquatic Ecosystems: Science, Technology, and Public Policy*, (Washington, DC: National Academy Press, 1992), pp. 277-278.

community and controlling exotic species)<sup>7</sup>

Although there have been many attempts to restore degraded wetlands, there is considerable controversy about whether current scientific understanding and restoration technology are adequate to restore damaged wetlands to their natural condition. The National Research Council concluded that the degree of disturbance to the wetland ecosystem may be the most important constraint on achieving restoration goals. As a general rule, highly degraded wetlands in urbanized areas have the lowest potential for successful restoration.<sup>8</sup>

The success of wetland restoration efforts may also differ depending on the wetland functions being restored. Waterfowl habitat or flood storage functions, for example, may be restored more successfully than groundwater recharge. In addition, the success of wetland restoration efforts also differs depending on the type of wetland ecosystem. Certain types of wetland ecosystems are more easily restored to some of their original ecological functions. Most experience with wetland restoration to date is with coastal wetlands, for which it is relatively easy to reestablish natural vegetation. In freshwater areas, some marshes may be easier to restore than forested wetlands, which have a greater number of plant species and require a longer time to reestablish trees.<sup>9</sup>

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<sup>7</sup>National Research Council, *Restoration of Aquatic Ecosystems*, pp. 291-292.

<sup>8</sup>National Research Council, *Restoration of Aquatic Ecosystems*, pp. 293, 296. Successful restoration was defined as "a close approximation of the predisturbance ecosystem that is persistent and self-sustaining."

<sup>9</sup>*Protecting America's Wetlands: An Action Agenda*, The Final Report of the National Wetlands Policy Forum, (Washington, DC: The Conservation

Most experts agree that the success of wetland creation is much more uncertain than restoration. Creating new wetlands in areas where they do not currently exist, or where wetlands never existed in the past before drainage or other alterations, presents much greater scientific and technical challenges. Some man-made wetlands, known as constructed wetlands, are created specifically to replicate the water quality improvement function of natural wetlands. Constructed wetlands may not provide the multiple functions of natural wetlands and often require active maintenance to support their water quality improvement function. Because of the more limited functions associated with constructed wetlands, they are not addressed in this study.

### Summary of Overall Approach

To identify specific programs that include activities associated with wetlands restoration, creation or enhancement, a brief literature review was conducted, and various public agencies, nonprofit organizations, and experts involved in wetland activities were contacted. Programs were selected for the inventory using the criteria discussed in the following section. When a relevant program was identified, information was collected on: the types of projects or activities associated with the program; the location of those activities; how sites are selected for wetlands projects; who performs those activities; who is eligible to participate in the program; the source of funds for wetlands restoration, creation or enhancement activities; and the legal authority for the program.

The information collected on the relevant programs was used to summarize the characteristics of wetland programs. Since it was

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Foundation, 1988), pp. 61-62; and National Research Council, *Restoration of Aquatic Ecosystems*, pp. 282-284.

## ***Definitions, Approach, And Selection Criteria***

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not possible to identify or contact every potential program throughout the United States, it is likely that other programs exist that are not included in the inventory presented in Chapter 3.

The criteria discussed below were used to select a subset of programs from the inventory that appear most applicable to facilitating wetland projects. Brief profiles were prepared for each of these programs, providing additional information on the purpose, administration and implementation, eligibility to use or participate, and the scope of activities. The profiles are presented in Chapter 4.

### **Selection Criteria**

A number of selection criteria were used to evaluate the potential for a program to facilitate wetland restoration, creation or enhancement for compensatory mitigation. These criteria focus on the type and scope of a program's activities. Programs that meet one or more of the criteria were included for the inventory of wetland restoration programs. The

selection criteria, listed in order of importance, are presented below.

- The program currently performs, or is authorized to perform, wetland restoration, creation or enhancement activities.
- The program includes planning, site identification/selection, or site acquisition activities that currently support wetland restoration, creation or enhancement activities.
- The program includes project design and construction activities that currently support wetland restoration, creation or enhancement activities.
- The program receives/manages funds (or is authorized to) that support wetland restoration, creation or enhancement activities.
- The program provides a mechanism for long-term management of sites.



### 3. INVENTORY OF PROGRAMS FACILITATING WETLAND PROJECTS IN THE UNITED STATES

This chapter presents the inventory of programs that facilitate wetland projects in the United States. The major programs exist primarily at the Federal and state levels of government and with nonprofit organizations. Basic information on applicable programs is presented in six summary tables, for Federal (Tables 1A and 1B), state (Tables 2A and 2B), and nonprofit organization (Tables 3A and 3B) programs. The six tables are listed below:

- Federal Program Characteristics (Table 1A)
- Federal Program Activities (Table 1B)
- State Program Characteristics (Table 2A)
- State Program Activities (Table 2B)
- Nonprofit Organization Program Characteristics (Table 3A)
- Nonprofit Organization Program Activities (Table 3B)

The summary tables 1A, 2A and 3A present information on the following characteristics for each selected program:

- **Name of the program**
- **Name of the lead agency/organization for the program**
- **Location** (i.e., where the program currently conducts, or is authorized to conduct, wetland restoration, creation or enhancement activities)
- **Eligibility** (i.e., who is eligible to use/participate in the program)
- **Scope of program activities** (i.e., a brief description of program activities associated with wetland restoration, creation or enhancement)
- **Source of funds** (i.e., the source of funds for program activities associated

with wetland restoration, creation or enhancement)

- **Point of contact** (i.e., name, agency/organization, address, telephone number, and fax number, if available)

The summary tables 1B, 2B and 3B indicate the types of program activities associated with each selected program. It should be noted that the lead agency/organization may perform only some of the activities, with other program activities performed by participants or cooperating agencies/organizations (see the profiles in Chapter 4 for more detailed information about which entity is responsible for specific program activities). The following are types of program activities identified:

- Project prioritization
- Site selection
- Project plan development
- Project design
- Project construction
- Operation and maintenance
- Long-term management
- Monitoring/periodic reporting
- Land acquisition or easements
- Funding (cost-share or matching funds)
- Provides technical assistance
- Activities vary depending on state or local plan

Local governments and private corporations participate in some of the programs administered by Federal, state, and nonprofit organizations. Two examples of state programs that involve local governments are Michigan's Coastal Zone Management Program and Florida's Surface Water Improvement and Management Program (see the respective profiles in Chapter 4). Federal programs are more likely



## ***Inventory of Programs that Facilitate Wetland Projects in the United States***

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to pass funds through state programs and may also provide technical assistance directly to local governments, private entities, or citizens.

Two notable programs administered by nonprofit organizations that involve private corporations are the Wildlife Habitat Enhancement Council and the Corporate Conservation Council of the National Wildlife Federation (see Tables 3A and 3B). The Wildlife Habitat Enhancement Council provides technical assistance to corporations interested in protecting

and managing wetland areas on their properties to enhance wildlife habitat. Since its inception in 1988, the Wildlife Habitat Enhancement Council has grown to include 80 corporate members and 15 national conservation groups with the total enhanced acreage approaching 200,000 acres at 225 sites. The National Wildlife Federation's Corporate Conservation Council has adopted a wetlands conservation policy and recognizes efforts by individual corporations with an annual award.

**Table 1A - Federal Program Characteristics**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Wetlands Reserve Program (WRP)	U.S. Department of Agriculture (USDA), Agricultural Stabilization and Conservation Service (ASCS)	Enrollment currently authorized for nine states	Owners of farmed wetlands and cropland converted from wetlands prior to December 23, 1985	Purchases easements and provides cost-share funds and technical assistance for wetlands restoration on private lands. Authorized by the 1990 Farm bill, this program focuses on restoration of farmed or converted wetlands.	Annual appropriations to ASCS, match by private landowner	Lois Hubbard Conservation and Environmental Protection ASCS, USDA P.O. Box 2415 Washington, DC 20013 (202) 720-9563
Agricultural Conservation Program (ACP)	USDA, ASCS	Available for participation by all farmers and ranchers who establish the need for cost-share assistance	Owners or operators of productive agricultural land (farming and ranching) that will have control over the land during the life of the conservation practice	Provides cost-share funds and technical assistance for a variety of conservation practices on agricultural lands that provide long-term and community-wide benefits, one of which is development or rehabilitation of shallow water areas to support wildlife habitat.	Annual appropriations to ASCS	Grady Bilberry Conservation and Environmental Protection ASCS, USDA P.O. Box 2415 Washington, DC 20013 (202) 720-7333
Water Bank Program	USDA, ASCS	Authorized for states in the Central and Mississippi River flyways, and other selected flyways	Any person with an interest in eligible land, including privately owned wetlands and adjacent lands essential for migratory waterfowl nesting, breeding or feeding areas	Provides annual payments to participants for entering 10-year agreements for wetland preservation. Provides cost-share funds for conservation practices to preserve and improve major wetlands as habitat for migratory waterfowl and other wildlife.	Annual appropriations to ASCS	James McMullen, Director Conservation and Environmental Protection ASCS, USDA South Building Washington, DC 20013 (202) 720-6221
Forest Stewardship Program (FSP)/ Stewardship Incentive Program (SIP)	USDA, Forest Service (FS)	Enrollment authorized in states with State Forestry Management Plan (all states but one)	Private owners of nonindustrial forest land	FSP provides matching funds to state foresters to develop Landowner Forest Stewardship Plans. SIP provides cost-share funds to private landowners to implement technical practices identified by Landowner Forest Stewardship Plans.	Annual appropriations to FS	Bruce Baldwin (FSP) Mary Carol Koester (SIP) Cooperative Forestry FS, USDA Auditors Building 201 14th Street, NW Washington, DC 20250 (202) 205-1375

**Table 1A Federal Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Taking Wing Program	USDA, FS	National Forests	National Forest Districts	Provides funds for waterfowl habitat improvement and restoration projects in National Forests. Taking Wing is one program under the FS's umbrella wildlife program. Get Wild.	Annual appropriations to FS	Ellen Campbell, National Coordinator Taking Wing Program FS, USDA P.O. Box 21628 Juneau, AK 99802-1628 (907) 586-7919
Rise to the Future Program	USDA, FS	National Forests	National Forest Districts	Provides funds for two initiatives: (1) Bring Back the Natives (species); and, (2) Recreational Fisheries, both of which entail wetland and riparian restoration, enhancement and creation.	Annual appropriations to FS; National Fish and Wildlife Foundation	Harv Forsgrin National Forest System Wildlife and Fisheries Staff FS, USDA P.O. Box 96090 Washington, DC 20090 (202) 205-0830
Coastal Zone Management (CZM) Program	U.S. Department of Commerce (USDC), National Oceanic and Atmospheric Administration (NOAA)	Coastal and Great Lakes states	States with approved CZM Plans are eligible for implementation grants. States without an approved CZM Plan are eligible for planning grants.	Provides Federal grant funding to states for development of CZM Plans (no match required) or implementation of CZM Plans (a minimum 50 percent non-Federal match required). Use of funds varies according to emphasis of State CZM Plan, which may include substantial coastal wetland restoration efforts.	Annual appropriations to NOAA	Clement Lewsey Coastal Programs Division, Office of Ocean and Coastal Resource Management, NOAA, USDC 1825 Connecticut Ave, NW, Rm 721 Washington, DC 20235 (202) 606-4158
Marine Fish Habitat Restoration and Creation Program	USDC, NOAA, National Marine Fisheries Service (NMFS)	Five NMFS coastal regions	Projects within the U.S. Army Corps of Engineers (COE) Civil Works Program	NMFS, in conjunction with the COE and state fisheries agencies, restores and creates fish and shellfish habitat; projects include intra-coastal wetlands creation.	Each participating agency provides its own funding and resources to complete agreed upon activities	Carolyn Brown National Marine Fisheries Service NOAA, USDC 1335 East-West Highway Silver Spring, MD 20910 (301) 713-0174

**Table 1A Federal Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
National Estuarine Research Reserves System (NERRS)	USDC, NOAA	Nationwide	21 National Estuarine Research Reserves	Through NERRS, NOAA works with Federal and state authorities to establish, manage, and maintain estuarine reserves, and to provide for their long-term stewardship. Research and education activities are used to facilitate management of natural resources such as wetlands. Research priorities change biennially: FYs 1993 and 1994, non-point source pollution; FYs 1995 and 1996, habitat restoration.	Annual appropriations to NOAA.	Michael Crosby Sanctuaries and Reserves Division NOAA, USDC 1825 Connecticut Avenue, NW, Rm 714 Washington, DC 20235 (202) 606-4126
Riparian- Wetlands Initiative	U.S. Department of Interior (USDI), Bureau of Land Management (BLM)	BLM- administered public lands (other public lands to and private lands to the extent that projects contribute to the success of initiatives on BLM lands)	Provides for cost-sharing with non-Federal partners	Restores and maintains wetlands and riparian areas on BLM lands.	Annual appropriations to BLM, but no line- item appropriation specifically for the initiative; grants from Land and Water Conservation Fund and National Fish and Wildlife Foundation	Don Waite Soil, Water and Air Branch BLM, USDI 1849 C Street, NW Washington, DC 20240 (202) 653-9202
Waterfowl Habitat Management on Public Lands	USDI, BLM	BLM- administered public lands (other public lands and private lands to the extent that projects contribute to the success of initiatives on BLM lands)	Provides for cost-sharing with non-Federal partners	Restores and maintains waterfowl habitat.	Annual appropriations to BLM with line-item appropriation for waterfowl habitat management	Dave Almond Chief, Division of Wildlife and Fisheries BLM, USDI 1849 C Street, NW Washington, DC 20240 (202) 653-9202

**Table 1A Federal Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
North American Waterfowl Management Plan (NAWMP)	USDI, Fish and Wildlife Service (FWS), North American Waterfowl and Wetlands Office	North American continent joint ventures	Provides a consensus building and strategic planning forum, does not undertake projects directly	Identifies regions of the North American continent that provide priority habitat for waterfowl; establishes the goal of restoring and protecting about 6 million acres of habitat, and provides a forum to encourage joint venture initiatives to achieve the NAWMP's goals.	Annual appropriations to FWS for administrative activities; funding for associated projects provided by joint venture partners	Robert Streeter, Executive Director North American Waterfowl and Wetlands Office, FWS 4401 N. Fairfax Drive Arlington, VA 22203 (703) 358-1784
North American Wetlands Conservation Act Grant Program	USDI, FWS, North American Waterfowl and Wetlands Office	North American continent joint ventures	Federal, state and local government agencies, conservation groups, and private industry (also Canada and Mexico)	Provides matching grants for wetland conservation projects, including those that support joint venture initiatives under the NAWMP.	Annual appropriations; penalties for violations of the Migratory Bird Treaty Act; and funds from the Coastal Wetlands Act of 1992	Robert Streeter, Executive Director North American Waterfowl and Wetlands Office, FWS 4401 N. Fairfax Drive Arlington, VA 22203 (703) 358-1784
National Coastal Wetlands Conservation Grant Program	USDI, FWS	Coastal states (except Louisiana), Great Lakes states, and territories	State agencies with responsibility for coastal ecosystems	Awards grants for conservation and enhancement of coastal areas, including wetland restoration and enhancement projects.	A portion of revenues deposited in the Sport Fish Restoration Account	Columbus Brown Division of Federal Aid FWS, USDI 4401 N. Fairfax Drive Arlington, VA 22201 (703) 358-2156
FWS Challenge Cost-share Program	USDI, FWS	FWS and private lands	Non-Federal public and private organizations, and individuals	Uses Federal and non-Federal matching funds to manage, restore and enhance natural and cultural resources. Highest priorities are endangered species and wetlands.	Annual appropriations to FWS for Federal share	Allison Rowell Division of National Wildlife Refuges FWS, USDI (670 ARLSQ) 18th and C Streets, NW Washington, DC 20240 (703) 358-1744

**Table 1A Federal Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Private Lands Habitat Assistance and Restoration Program	USDI, FWS	Nationwide; focus is on areas that have historic waterfowl values	Private landowners; typically agricultural lands	Offers private landowners an opportunity to restore wetlands through cooperative agreements, with FWS funding all or a portion of costs. FWS also funds habitat restoration on Farmers Home Administration (FmHA) easement and fee-title lands.	Annual appropriations to FWS	Robert Misso Division of Habitat Conservation FWS, USDI 1849 C Street, NW Washington, DC 20240 (703) 358-2161
Wildlife Restoration Program/ Pittman- Robertson Federal Aid in Wildlife Restoration Act	USDI, FWS	Nationwide	All states and territories	Provides Federal funds for an array of wildlife restoration activities such as purchase, development and maintenance of wildlife management areas, which may include wetlands. Requires at least a 25 percent state match.	Earmarked revenues from Federal excise taxes on sport hunting equipment sales	Columbus Brown Division of Federal Aid FWS, USDI 4401 N. Fairfax Drive, Rm 322 Arlington, VA 22201 (703) 358-2156
Sport Fish Restoration Account, Aquatic Resources Trust Fund (commonly known as the Wallop- Breaux Trust Fund)	USDI, FWS (account created in U.S. Treasury under the Deficit Reduction Act of 1984 (which replaced funding under the Dingell-Johnson Sport Fish Restoration Act of 1950))	Nationwide	All states and territories	Provides Federal funds to the states for projects to restore, enhance, and manage freshwater and saltwater sport fisheries. States have funded some habitat improvement projects, however, most funds go to research and development projects. Requires at least a 25 percent state match.	Earmarked revenues from Federal excise taxes on sport fishing equipment and motorboat fuel sales	Columbus Brown Division of Federal Aid FWS, USDI 4401 N. Fairfax Drive Rm 322 Arlington, VA 22201 (703) 921-2156

**Table 1A Federal Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Land and Water Conservation Fund (LWCF)/ National Wetlands Priority Conservation Plan	USDI: FWS, National Park Service (NPS), and BLM; USDA: FS	Nationwide	National priorities for wetlands acquisition with LWCF monies are set by the National Wetlands Priority Conservation Plan	Purchases wetlands for four Federal agencies according to a prioritized list that is developed annually. Also funds the State Assistance Program, which is administered by the NPS and provides grants to states for wetlands acquisition.	Annual appropriations to each agency from the LWCF, a Federal Treasury Account funded primarily by offshore oil and gas leasing revenues	Kevin Gergely Budget Office, USDI 1849 C Street, NW, Rm 4120, Washington, DC 20240 (202) 208-6730  Ralph Bauman National Forest System Lands Staff, FS, USDA 201 14th Street, SW Washington, DC 20250 (202) 205-0945
Clean Water Act §319(h) Wetland and Riparian Projects	U.S. Environmental Protection Agency (EPA)	Nationwide	State agencies, in accordance with EPA's Section 319 Grant Guidance (1991)	Awards grants to develop and implement projects that incorporate a watershed approach to addressing nonpoint source pollution problems, some of which have a wetlands or riparian area component. Projects vary among states, with some directly protecting or restoring wetlands or riparian areas, some focusing on public education, and others dealing with the use of constructed wetlands for water quality improvement.	Annual appropriations to EPA for §319 Grants	Sherri Fields U.S. Environmental Protection Agency; Office of Wetlands, Oceans and Watersheds; Wetlands Division (A-104F) 401 M Street, SW Washington, DC 20460 (202) 260-1932

Table 1B - Federal Program Activities

Program activities:

- |   |                           |    |  |
|---|---------------------------|----|--|
| 1 | Project prioritization    | 7  | Long-term management                             |
| 2 | Site selection            | 8  | Monitoring/periodic reporting                    |
| 3 | Project plan development  | 9  | Land acquisition or easements                    |
| 4 | Project design            | 10 | Provides cost-share or matching funds            |
| 5 | Project construction      | 11 | Provides technical assistance                    |
| 6 | Operation and maintenance | 12 | Activities vary depending on state or local plan |

Note: the lead agency/organization may perform only some of the activities (see profile of program for more detailed information about which entity is responsible for program activities).

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
Wetland Reserve Program (WRP)	USDA, ASCS		✓	✓	✓		✓	✓	✓	✓	✓	✓	
Agricultural Conservation Program (ACP)	USDA, ASCS		✓	✓	✓	✓	✓	✓			✓	✓	
Water Bank Program	USDA, ASCS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Forest Stewardship Program (FSP)/ Stewardship Incentive Program (SIP)	USDA, FS		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Taking Wing Program	USDA, FS	✓	✓	✓	✓	✓	✓	✓	✓		✓		
Rise to the Future Program	USDA, FS	✓	✓	✓	✓	✓	✓	✓	✓		✓		
Coastal Zone Management (CZM) Program	USDC, NOAA										✓	✓	✓
Marine Fish Habitat Restoration and Creation Program	USDC, NOAA, National Marine Fisheries Service (NMFS)	✓	✓	✓	✓	✓	✓	✓	✓				



**Table 1B Federal Program Activities (continued)**

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
National Estuarine Research Reserves System (NERRS)	USDC, NOAA	✓	✓					✓	✓				
Riparian- Wetlands Initiative	USDI, BLM	✓	✓	✓	✓	✓	✓	✓	✓		✓		
Waterfowl Habitat Management on Public Lands	USDI, BLM	✓	✓	✓	✓	✓	✓	✓	✓		✓		
North American Waterfowl Management Plan (NAWMP)	USDI, FWS, North American Waterfowl and Wetlands Office	✓	✓						✓		✓		
North American Wetlands Conservation Act Grant Program	USDI, FWS, North American Waterfowl and Wetlands Office	✓	✓	✓	✓	✓	✓	✓	✓		✓		
National Coastal Wetlands Conservation Grant Program	USDI, FWS		✓	✓	✓	✓	✓	✓	✓	✓	✓		
FWS Challenge Cost-share Program/ Partners for Wildlife	USDI, FWS	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	

Table 1B Federal Program Activities (continued)

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
Private Lands Habitat Assistance and Restoration Program/Partners for Wildlife	USDI, FWS	✓	✓	✓	✓	✓			✓		✓	✓	
Wildlife Restoration Program/Pittman-Robertson Federal Aid in Wildlife Restoration Act	USDI, FWS		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sport Fish Restoration Account, Aquatic Resources Trust Fund	USDI, FWS		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Land and Water Conservation Fund (LWCF)/National Wetlands Priority Conservation Plan	USDI: FWS, National Park Service, and BLM; USDA: FS	✓								✓			
Clean Water Act §319(h) Wetland and Riparian Projects	EPA	✓	✓						✓		✓	✓	✓

**Table 2A - State Program Characteristics**

<b>Name of Program</b>	<b>Lead Agency/ Organization</b>	<b>Location</b>	<b>Eligibility</b>	<b>Scope of Program Activities</b>	<b>Source of Funds</b>	<b>Point of Contact</b>
Alabama Coastal Zone Management (CZM) Program	Alabama Department of Economic and Community Affairs	Alabama coast	To be identified in state CZM program	Administers state CZM program, matching Federal dollars for initiatives consistent with the state's approved CZM program. To date, the focus has been on beaches and dunes, but wetland activities funding is expected to arise.	Federal funds	Gill Gilder Alabama Department of Economic and Community Affairs, 401 Adams Avenue Montgomery, AL 36103 (205) 242-5502
Arkansas Private Lands Program	Arkansas Game and Fish Commission	Arkansas	Private landowners	Staff biologists provide technical assistance to private landowners who want to improve their property for fish and wildlife habitat.	General operating revenues	Kenny Verono Arkansas Game and Fish Commission, #2 Natural Resources Drive, Little Rock, AR 72205 (501) 223-6300
Arkansas Farmers Home Program	Arkansas Game and Fish Commission	Arkansas	Farmers Home Administration (FmHA) fee-title transfer lands	Accepts fee-title transfer property from FmHA and restores bottomland hardwoods.	Special state fund with revenues from hunting license fees; Federal FWS funds	David Long Wildlife Management Division Arkansas Game and Fish Commission, 2900 King Street Jonesboro, AR 72401 (501) 932-6888
California State Coastal Conservancy Resource Enhancement Program	California State Coastal Conservancy	California coastal zone and San Francisco Bay area	State and local public agencies, certain nonprofits, and the Conservancy itself	Undertakes coastal resource enhancement projects directly and provides grants to facilitate development and implementation of enhancement projects conducted by other eligible participants. A limited portion of funding is available specifically for watershed enhancement projects.	Voter approved bonds and special revenues such as environmental license plate funds	Reed Holderman California State Coastal Conservancy, 1330 Broadway, Suite 1100, Oakland, CA 94612-2530 (510) 286-1015
California Permanent Wetland Easement Program	California Department of Fish and Game	California Central Flyway	Landowners	Makes payments to landowners for permanent easements and wetland management and/or enhancement practices in accordance with a management plan.	Bond proceeds	Glen Rollins Wildlife Management Division California Department of Fish and Game, 1416 9th Street, Rm 1248, Sacramento, CA 95814 (916) 653-1768

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
California Inland Wetlands Conservation Program	California Wildlife Conservation Board	California Central Valley Habitat Joint Venture (CVHJV)	Owners of inland wetlands that are prioritized under CVHJV Plan, except that only non-Federal entities are eligible for grants and loans	Funds conservation, restoration and enhancement of inland wetlands through acquisition, conservation easements, landowner management agreements, land exchanges, and grants and loans to non-Federal landowners.	Proceeds from various bond acts, environmental license plate funds, portion of cigarette tax revenues	Marilyn Cundiff-Gee California Wildlife Conservation Board, 801 K Street, Suite 806 San Francisco, CA 95814 (916) 445-1093
California Riparian Habitat Conservation Program	California Wildlife Conservation Board	California	Owners of riparian habitats that meet specified criteria, with grants and loans available to anyone with a legal interest in property worthy of riparian habitat restoration	Funds conservation, restoration and enhancement of riparian habitat through acquisition, conservation easements, landowner management agreements, land exchanges, and grants and loans.	Proceeds from various bond acts, environmental license plate funds, portion of cigarette tax revenues	David Martinez California Wildlife Conservation Board, 801 K Street, Suite 806 Sacramento, CA 95814 (916) 445-1096
California Waterfowl Habitat Program	California Department of Fish and Game	California Central Flyway	Private owners of wetlands	Makes payments to landowners for preservation and enhancement of waterfowl habitat for an initial period of 10 years, which is automatically renewed if the landowner does not expressly terminate the agreement.	Bond proceeds	Glen Rollins Wildlife Management Division California Department of Fish and Game, 1416 9th Street, Rm 1248, Sacramento, CA 95814 (916) 653-1768
Long Island Sound Cleanup Account	Connecticut Department of Environmental Protection	Connecticut coast and coastal waterbodies	Local and state agencies	Provides up to 100 percent of funding for restoration of degraded coves, embayments and wetlands, among other projects.	Bond proceeds	Tom Ovellette Office of Long Island Sound Programs, Connecticut Department of Environmental Protection, 165 Capital Avenue Hartford, CT 06106 (203) 566-7404

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Northern Delaware Wetlands Rehabilitation Project	Delaware Department of Natural Resources and Environmental Control	Christina and Delaware River corridors in Delaware	Primarily private lands, some public lands	Constitutes a long-term effort to restore and protect impounded wetlands in an urban watershed. Of the 30 potential sites identified, nine are currently in various phases of implementation ranging from planning to restoration work. Three major site management objectives are to: maintain a managed tidal exchange, maintain higher water levels at critical times of the year, and; vegetation management.	Environmental fine revenues from Superfund sites; grants from Federal agencies, nonprofit organizations, and private foundations and corporations	Sarah W. Cooksey Delaware Coastal Management Program, Division of Soil and Water Conservation, Delaware Department of Natural Resources and Environmental Control, P.O. Box 1401 Dover, DE 19901 (302) 739-4411
Florida Surface Water Improvement and Management (SWIM) Program	Florida Department of Environmental Regulation, Office of Intergovernmental Programs	Florida	Water Management Districts	Provides state cost-share funds to five Water Management Districts for habitat and water quality improvement projects, which may include wetlands restoration, creation, or enhancement projects.	General state revenues; water management district ad valorem tax revenues; local government funds	Bart Bilber Office of Intergovernmental Programs, Florida Department of Environmental Regulation 2600 Blair Stone Road Tallahassee, FL 32399 (904) 488-0784
Florida Water Management Lands Trust Fund (Save Our Rivers Program)	Florida Department of Environmental Regulation, Office of Intergovernmental Programs	Florida	Water Management Districts	Provides funds to five Water Management Districts to acquire land for protection of water resources; up to 15 percent of funds may be used for management.	A portion of revenues from state documentary stamp tax; some funds from severance tax on mining	Ruark Cleary Office of Intergovernmental Programs, Florida Department of Environmental Regulation 2600 Blair Stone Road Tallahassee, FL 32399 (904) 488-0784
Georgia Freshwater Wetlands & Heritage Inventory Program	Georgia Department of Natural Resources, Game and Fish Division	Georgia	Does not undertake projects directly	Provides for expansion and improvement of existing wetlands inventory database developed using satellite imagery and GIS.	EPA grant	John Bozeman Georgia Department of Natural Resources, Game and Fish Division 2117 U.S. Hwy #278 SE Social Circle, GA 30279 (706) 557-2026

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Illinois Natural Areas Acquisition Program	Illinois Department of Conservation	Illinois	Land areas identified in the Illinois Natural Areas Inventory	Purchases properties high in natural resource value and/or potential, including wetlands. Also performs stewardship/management activities.	Natural Areas Acquisition Fund, with revenues from a portion of state real estate transfer tax	Don McFall Natural Heritage Division Illinois Department of Conservation, 524 South Second Street, Springfield IL 62706 (217) 785-8774
Iowa Prairie Pothole Joint Venture	Iowa Department of Natural Resources	A 35-county region in Iowa, as defined by the Prairie Pothole Joint Venture under the North American Waterfowl Management Plan (NAWMP)	Selected prairie pothole lands	Purchases existing and restorable wetland acres for public ownership, and performs wetland restoration activities on public and private lands.	North American Wetlands Conservation Act Grant; state revenues from Iowa duck stamp, state lottery, and fish and game licenses; and nonprofit contributions	Jeff Joens Iowa Department of Natural Resources, Wallace State Office Building, East 9th & Grand Avenue, Des Moines, IA 50319 (515) 281-8664
Kansas Wetland and Riparian Area Program (WRAP)	Kansas Department of Wildlife and Parks	Kansas	Targeted areas identified in Wetland and Riparian Area Plans	Develops Wetland and Riparian Area Plans, and provides funds and technical assistance to perform wetland and riparian restoration activities primarily on private lands. Complements the U.S. FWS Partners for Wildlife Program.	State Water Plan Fund, with revenues from taxes on fertilizers and pesticides, municipal and industrial water use fees, and general funds. Also Wildlife Habitat Improvement Fund, with revenues from fish and wildlife license fees and Federal Pittman-Robertson funds.	Eric Schenck Kansas Department of Wildlife and Parks, RR #2, Box 54A Pratt, KS 67124 (316) 672-5911
Louisiana Coastal Wetlands Conservation and Restoration Program	Louisiana Department of Natural Resources, Coastal Restoration Division	Louisiana coastal zone	Private and public entities with an interest in coastal wetlands	Prioritizes wetlands restoration, creation, and/or enhancement projects in an annual Coastal Wetlands Restoration Plan, and implements projects identified in the Plan; some projects are cost-shared with a Federal agency or local parish.	Louisiana Dedicated Wetlands Fund, with revenues from mineral taxes; also Federal Highway Trust Fund	Bill Goode Louisiana Department of Natural Resources Coastal Restoration Division P.O. Box 94396 Baton Rouge, LA 70804 (504) 342-7308

**Table 2A State Program Characteristics (continued)**

<b>Name of Program</b>	<b>Lead Agency/ Organization</b>	<b>Location</b>	<b>Eligibility</b>	<b>Scope of Program Activities</b>	<b>Source of Funds</b>	<b>Point of Contact</b>
Maine Wetland Enhancement Program	Maine Department of Inland Fisheries and Wildlife	Maine	Any owner of appropriate habitat	Acquires fee ownership or leases land and performs wetland enhancement activities.	Federal Pittman-Robertson funds; state bond proceeds; state duck stamp revenues; North American Wetlands Conservation Act Grant	Gary Donovan, Director Wildlife Division Maine Department of Inland Fisheries and Wildlife 284 State Street, Augusta, ME 04333 (207) 287-5252
Maryland Shore Erosion Control Program	Maryland Department of Natural Resources	Maryland waters in Chesapeake Bay and tributaries	Landowners	Provides matching funds for non-structural soil erosion control projects, for example, marsh creation.	General revenues; Waterway Improvement Fund; U.S. EPA Grants	Leonard Larese-Casanova Maryland Department of Natural Resources Soil Erosion Control E-4 Tawes State Office Bldg. 580 Taylor Ave Annapolis, MD 21401 (410) 974-3727
Massachusetts Bay Program	Massachusetts Bay Program (an approved National Estuary Program)	Massachusetts watershed area, which spans east to the bayside of Cape Cod and west to Worcester	42 local communities	Funds research, demonstration projects, and public outreach activities; awards grants to local communities for a variety of project types, including wetlands restoration.	U.S. EPA National Estuary Program Grants; Massachusetts provides necessary matching funds from variety of sources (some are in-kind).	Diane Gould Massachusetts Bay Program, 100 Cambridge Street, Rm 2006, Boston, MA 02202 (617) 727-9530
Massachusetts Environmental Trust	Massachusetts Environmental Trust	Massachusetts	Primarily nonprofit organizations and municipalities	Awards grants to fund Trust directive projects related to environmental protection, restoration, and enhancement. Types of projects funded include education, research, and actual restoration and enhancement, including wetlands.	Fines and penalties collected for Clean Water Act violations	Robbin Peach, Executive Director, Massachusetts Environmental Trust 100 Cambridge Street, 20th Floor, Boston, MA 02202 (617) 727-9530 ext.266

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Michigan Coastal Zone Management (CZM) Program	Michigan Department of Natural Resources	Publicly owned land in Great Lakes coastal areas in Michigan	State agencies and some 300 units of local government	Awards Federal grants on behalf of the National Oceanic and Atmospheric Administration (NOAA) in accordance with Michigan's approved CZM Plan. Grants are awarded for a variety of efforts, including planning and implementation of wetland restoration, education, and inventorying species. Recipients of grant funds must provide at least a 50 percent match.	Coastal Zone Management Grant from NOAA; state matching funds or in-kind services; local matching funds	James Ribbens Land and Water Management Division, Michigan Department of Natural Resources, Stevens T. Mason Building P.O. Box 30028 Lansing, MI 48909 (517) 373-1950
Minnesota RIM Reserve Wetlands Restoration Program	Minnesota Board of Water and Soil Resources	Minnesota	Previously drained wetlands that are privately owned	Provides funds to Soil and Water Conservation Districts to purchase permanent easements and perform wetland restoration activities.	Bond proceeds (for permanent easement purchase); general state revenues (for restoration activities)	Al Kean RIM Program, Minnesota Board of Water and Soil Resources, 155 South Wabasha, Suite 104 St. Paul, MN 55107 (612) 296-3767
Missouri State Parks System	Missouri Department of Natural Resources	Missouri state parks	State park areas	Undertakes wetland restoration projects, focusing efforts on wetlands in state parks.	General state revenues and a portion of sales tax earmarked to State Parks and Soil Conservation	Ken McCarty Missouri Department of Natural Resources, State Parks System, P.O. Box 176, Jefferson City, MO 65102, (314) 751-8660
Montana State Duck Stamp Program	Montana Department of Fish, Wildlife and Parks	Montana	Primarily private landowners (also includes some public lands)	Performs wetland and adjacent upland habitat enhancement. Types of projects include: restoration of drained wetlands, wetland construction by means of diking, replacement of water control structures, and implementation of managed grazing systems.	Revenues from state waterfowl stamps	Jeff Herbert Montana Department of Fish, Wildlife and Parks 1420 East 6th Avenue Helena, MT 59620 (406) 444-2612



**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Nebraska Private Lands Wetlands Initiative	Nebraska Game and Parks Commission	Nebraska, with an emphasis on Rainwater Basin Joint Venture	Private landowners	Performs wetland restoration, creation, and enhancement activities under 10-year contracts; also offers bonus payments for enrollment in USDA Water Bank Program.	Nebraska Habitat Fund, with revenues from Habitat Stamp and Voluntary Waterfowl Stamp	Patrick Cole Resource Services Division, Nebraska Game and Parks Commission, P.O. Box 30370 Lincoln, NE 68503 (402) 471-5413
Nebraska Wildlife Habitat Improvement Program (WHIP)	Nebraska Game and Parks Commission	Nebraska	Private landowners	Natural Resource Districts receive funds from Game and Parks Commission and make payments to landowners for protection and preservation of wetland areas under 10-year contracts, provides technical assistance for associated activities; sometimes used in conjunction with Nebraska Private Lands Wetlands Initiative as an incentive for enrollment.	Nebraska Habitat Fund, with revenues from Habitat Stamp and Voluntary Waterfowl Stamp	Patrick Cole Resource Services Division Nebraska Game and Parks Commission, P.O. Box 30370 Lincoln, NE 68503 (402) 471-5413
New Jersey Green Acres Program	New Jersey Department of Environmental Protection and Energy	New Jersey	State agencies, units of local government, and nonprofit organizations	Acquires lands on behalf of state agencies for conservation and recreational development purposes; provides funds to units of local government (matching grants and low interest loans) and nonprofit organizations (matching grants) for land acquisition and development for conservation and recreation purposes.	State bond issues	Tom Wells Green Acres Program New Jersey Department of Environmental Protection and Energy, 1230 White Horse-Mercerville Road Trenton, NJ 08625 (609) 588-3450
New York Adopt a Wetland Program	New York Department of Environmental Conservation	New York State-owned wetlands	Any individual or group	Individuals or groups volunteer physical services and/or provide financial support for wetland stewardship projects.	Voluntary contributions	Don Slingerland Wildlife Resources Center New York Department of Environmental Conservation 407 Game Farm Road Delmar, NY 12054 (518) 439-0198

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
North Dakota State Waterbank Program	North Dakota Department of Agriculture	North Dakota	Private landowners	Acquires leases from private landowners for five or 10 years, with provisions for renewal. Lease contracts provide for other entities (e.g., U.S. Fish and Wildlife Service) to perform wetlands enhancement, restoration, or creation. In addition to lease payments, landowners may be compensated for costs to plant grass on adjacent uplands.	Interest earned on state Duck Stamp revenues; National Fish and Wildlife Foundation Grants; North Dakota Wetland Trust; EPA grants; and private fund raising efforts	Judy Carlson, State Waterbank Coordinator, North Dakota Department of Agriculture State Capitol, Bismarck, ND 58505 (701) 224-4997
Oregon Governor's Watershed Enhancement Board (GWEB) Grants	GWEB, housed in the Oregon Department of Water Resources	Oregon	Soil and Water Conservation Districts (SWCDs) for small grant program; and a wide variety of public and private entities for major grant program	Awards grants and provides technical support to SWCDs (small grant program) and other entities (major grant program) to implement watershed restoration, maintenance or enhancement projects in the state, which may include a wetland restoration component.	Portion of state lottery revenues, subject to administrative distribution	Loraine Stahr Oregon Governor's Watershed Enhancement Board 3850 Portland Road NE Salem, OR 97310 (503) 378-8455 ext. 285
South Dakota Partners for Conservation Program	South Dakota Department of Agriculture, 69 Conservation Districts	South Dakota	South Dakota Conservation Districts that secure matching funds for work on public and private lands	Awards grants to Conservation Districts to perform soil and water conservation measures, including wetland management, erosion control, and riparian management.	Appropriations to Department of Agriculture's Conservation Commission	Clark Johnson Wetlands Coordinator South Dakota Department of Agriculture, State Conservation Commission, 455 E. Capital Avenue, Pierre, SD 57501-3185 (605) 773-3258

**Table 2A State Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
South Dakota Pheasants for Everyone Program	South Dakota Department of Game, Fish and Parks	South Dakota	Private landowners	Provides a one-time payment to private landowners to restore wetlands by removing physical drain mechanisms. Payment is based on surface acres restored for a minimum of 10 years. Also provides for several other activities, including food plots, tree cultivation, fencing, public access and shelterbelts.	Revenues from hunting and fishing license fees; Wildlife Habitat Stamp	Steve Riley Division of Wildlife South Dakota Department of Game, Fish and Parks 523 E. Capital Avenue Pierre, SD 57501 (605) 733-3096
Washington State Ecosystems Conservation Program	Washington State Department of Wildlife; U.S. Fish and Wildlife Service (FWS)	Washington State	Public and private landowners	Provides cost-share funding and technical assistance to landowners for upland wildlife restoration (Washington State Department of Wildlife) and wetland, riparian and endangered species habitat restoration (FWS); other Federal and state agencies and landowners are partners contributing funds or in-kind services.	FWS allocation of annual appropriation to refuges	Carlos Mendoza USDA, FWS, Fish and Wildlife Enhancement, 3704 Griffin Land, SE, Suite 102 Olympia, WA 98501-2192 (206) 753-9440

Table 2B State Program Activities

Program activities:

- |   |                           |    |  |
|---|---------------------------|----|--|
| 1 | Project prioritization    | 7  | Long-term management                             |
| 2 | Site selection            | 8  | Monitoring/periodic reporting                    |
| 3 | Project plan development  | 9  | Land acquisition or easements                    |
| 4 | Project design            | 10 | Provides cost-share or matching funds            |
| 5 | Project construction      | 11 | Provides technical assistance                    |
| 6 | Operation and maintenance | 12 | Activities vary depending on state or local plan |

Note: the lead agency/organization may perform only some of the activities (see profile of program for more detailed information about which entity is responsible for program activities).

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
Alabama Coastal Zone Management (CZM) Program	Alabama Department of Economic and Community Affairs	✓	✓	✓	✓	✓	✓	✓			✓		✓
Arkansas Private Lands Program	Arkansas Game and Fish Commission											✓	
Arkansas Farmers Home Program	Arkansas Game and Fish Commission			✓	✓	✓	✓						
California State Coastal Conservancy Resource Enhancement Program	California State Coastal Conservancy	✓	✓	✓	✓	✓	✓		✓	✓	✓		
California Permanent Wetland Easement Program	California Department of Fish and Game		✓	✓	✓	✓	✓			✓			
California Inland Wetlands Conservation Program	California Wildlife Conservation Board	✓	✓	✓	✓	✓	✓	✓		✓	✓		

**Table 2B State Program Activities (continued)**

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
California Riparian Habitat Conservation Program	California Wildlife Conservation Board	✓	✓	✓	✓	✓	✓	✓		✓	✓		
California Waterfowl Habitat Program	California Department of Fish and Game		✓	✓	✓	✓	✓			✓			
Long Island Sound Cleanup Account	Connecticut Department of Environmental Protection		✓	✓	✓	✓	✓				✓		
Northern Delaware Wetlands Rehabilitation Project	Delaware Department of Natural Resources and Environmental Control	✓	✓	✓	✓	✓	✓	✓	✓			✓	
Florida Surface Water Improvement and Management (SWIM) Program	Florida Department of Environmental Regulation (DER), Office of Inter- governmental Programs	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Florida Water Management Lands Trust Fund (Save Our Rivers Program)	Florida DER, Office of Inter-governmental Programs	✓	✓	✓						✓			✓
Georgia Freshwater Wetlands & Heritage Inventory Program	Georgia Department of Natural Resources, Game and Fish Division	✓	✓										
Illinois Natural Areas Acquisition Program	Illinois Department of Conservation	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
Iowa Prairie Pothole Joint Venture	Iowa Department of Natural Resources	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

**Table 2B State Program Activities (continued)**

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
Kansas Wetland and Riparian Area Program (WRAP)	Kansas Department of Wildlife and Parks	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Louisiana Coastal Wetlands Conservation and Restoration Program	Louisiana Department of Natural Resources, Coastal Restoration Division	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Maine Wetland Enhancement Program	Maine Department of Inland Fisheries and Wildlife	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Maryland Shore Erosion Control Program	Maryland Department of Natural Resources		✓	✓	✓	✓				✓	✓		
Massachusetts Bay Program	Massachusetts Bay Program (an approved National Estuary Program)	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Massachusetts Environmental Trust	Massachusetts Environmental Trust		✓										✓
Michigan Coastal Zone Management (CZM) Program	Michigan Department of Natural Resources	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Minnesota RIM Reserve Wetlands Restoration Program	Minnesota Board of Water and Soil Resources	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Missouri State Parks System	Missouri Department of Natural Resources		✓	✓	✓	✓	✓	✓					
Montana State Duck Stamp Program	Montana Department of Fish, Wildlife and Parks		✓	✓	✓	✓		✓				✓	

**Table 2B State Program Activities (continued)**

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
Nebraska Private Lands Wetlands Initiative	Nebraska Game and Parks Commission	✓	✓	✓	✓	✓	✓	✓	✓			✓	
Nebraska Wildlife Habitat Improvement Program (WHIP)	Nebraska Game and Parks Commission		✓						✓		✓		✓
New Jersey Green Acres Program	New Jersey Department of Environmental Protection and Energy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
New York Adopt a Wetland Program	New York Department of Environmental Conservation		✓	✓	✓	✓	✓					✓	
North Dakota State Waterbank Program	North Dakota Department of Agriculture	✓	✓	✓	✓	✓	✓					✓	
Oregon Governor's Watershed Enhancement Board (GWEB) Grants	GWEB, housed in the Oregon Department of Water Resources	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
South Dakota Partners for Conservation Program	South Dakota Department of Agriculture, 69 Conservation Districts	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
South Dakota Pheasants for Everyone Program	South Dakota Department of Game, Fish and Parks		✓	✓	✓	✓	✓		✓		✓	✓	
Washington State Ecosystems Conservation Program	Washington State Department of Wildlife; U.S. Fish and Wildlife Service	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓

**Table 3A Nonprofit Organization Program Characteristics**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
American Greenways Program	The Conservation Fund	Nationwide	Preference for local, regional, or statewide nonprofit organizations	Provides grants up to \$2,500 for activities associated with planning of greenways, which may include wetland activities.	Contributions from DuPont, the Conservation Fund, and the National Geographic Society	Linda McKelvey The Conservation Fund 1800 North Kent Street, Suite 1120, Arlington, VA 22209 (703) 525-6300
FishAmerica Foundation	FishAmerica Foundation	Nationwide	Nonprofit organizations with 501(c)(3) status, and government agencies	Funds action-oriented projects aimed at improving fish habitat and/or water quality.	Contributions from fishing tackle and boating manufacturers, and major retailers; public and private grants	Andrew Loftus FishAmerica Foundation 1010 Massachusetts Avenue, NW, Suite 320, Washington, DC 20001 (202) 898-0869
MARSH (Matching Aid to Restore States Habitat) Program	Ducks Unlimited (DU)	Lands under control of a public agency in all states, unless otherwise approved by DU's Conservation Programs Committee	Public and private agencies and organizations	Provides matching funds to develop, restore, preserve and maintain waterfowl/wetland habitat in the United States.	7.5 percent of DU grassroots fund-raising revenues in each state; individual donor contributions; state agency contributions	Dr. Robert Hoffman, Director of Habitat Development, Ducks Unlimited, 1 Waterfowl Way Memphis, TN 38120-2351 (901) 758-3888
Habitat USA	Ducks Unlimited (DU)	North America	Primarily public agencies	DU provides technical assistance or performs activities on behalf of public agencies related to waterfowl enhancement.	Grassroots fund-raising	Dr. Robert Hoffman, Director of Habitat Development, Ducks Unlimited, 1 Waterfowl Way, Memphis, TN 38120-2351 (901) 758-3888
Private Lands Program	Ducks Unlimited (DU)	North America	Private landowners	Works with private landowners to encourage and facilitate waterfowl habitat improvement projects.	Grassroots fund-raising; North American Wetlands Conservation Act grants	Dr. Robert Hoffman, Director of Habitat Development Ducks Unlimited, 1 Waterfowl Way, Memphis, TN 38120-2351 (901) 758-3888



**Table 3A Nonprofit Organization Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Save Our Streams Program	Izaak Walton League of America	Nationwide	Pilot projects are selected on a case-by-case basis. Voluntary monitoring and restoration takes place on public and private lands.	Performs pilot habitat restoration projects in coordination with development of restoration manuals and workshops that are available to the public to facilitate voluntary monitoring and restoration activities. Maintains a database of U.S. water protection projects.	Government and private foundation grants; corporate contributions	Karen Firehock Izaak Walton League of America, 1401 Wilson Boulevard, Level B Arlington, VA 22209 (703) 528-1818
Izaak Walton League of America Grants and Loans	Izaak Walton League of America Endowment	Nationwide	Unspecified	In addition to funding efforts of Izaak Walton League state and local chapters, grants and loans from Endowment interest are awarded to other entities for projects that support the interests of the League.	Izaak Walton League of America Endowment (interest)	Wendle P. Haley, President Izaak Walton League of America Endowment, 1840 N.E. 92nd Avenue, Portland, OR 97220 (503) 253-9749
National Audubon Society projects	National Audubon Society (NAS)	Nationwide	NAS Sanctuaries	Undertakes individual wetlands restoration projects on property owned and leased by the NAS -- sometimes with technical assistance from FWS, and in coordination with Corps of Engineers efforts.	NAS fund-raising revenues, and funds from DU.	Frank Dunstan, V.P. Sanctuary Division, National Audubon Society, 93 West Cornwall Road, Sharon, CT 06069 (203) 364-0048
National Fish and Wildlife Foundation Grants	National Fish and Wildlife Foundation	Nationwide	Public and private entities	Provides matching funds for projects that protect and enhance fish and wildlife resources.	Annual Federal appropriations	Whitney Tilt, Director of Conservation Programs, National Fish and Wildlife Foundation, 1120 Connecticut Avenue, NW, Suite 900, Washington, DC 20036 (202) 857-0166
The Nature Conservancy projects	The Nature Conservancy	International (state and regional field offices in the United States, and field offices in several Latin American countries)	Varies depending on purpose of project or activity	Performs a variety of wetland activities including restoration and protection on Conservancy-owned lands and private lands, and purchase and conveyance of land to state and Federal land management agencies.	Private individual and corporate donations (cash and land), membership dues, and some research grants	Sally Grove Agency Relations The Nature Conservancy 1815 North Lynn Street Arlington, VA 22209 (703) 841-5300

**Table 3A Nonprofit Organization Program Characteristics (continued)**

Name of Program	Lead Agency/ Organization	Location	Eligibility	Scope of Program Activities	Source of Funds	Point of Contact
Pheasants Forever projects	Pheasants Forever	415 local chapters in 27 states and three Canadian provinces	Public and private entities	Provides funding for restoration and preservation of pheasant and other wildlife habitat. Also provides technical assistance through staff biologists in nine regional offices.	Grassroots fund-raising; National Fish and Wildlife Foundation Grants; corporate sponsors	Russ Sewell, Director of Program Development, Pheasants Forever P.O. Box 75473, St. Paul, MN 55175, (612) 481-7142
Waterfowl USA projects	Waterfowl USA	Nationwide	Within 36 states where local chapters exist, any project that will benefit the wetland and/or waterfowl habitat in a public area	Conducts wetlands acquisition, preservation, and enhancement activities, which vary by local chapter. Holds some land in the name of chapters and conveys land to public natural resource agencies. Chapters also assist state or local agencies in purchasing equipment to support a project.	Grassroots fund-raising	Scott Murphy Waterfowl USA P.O. Box 50 Edgefield, CT 29824 (803) 637-5767
Corporate Conservation Council	National Wildlife Federation (NWF)	Nationwide	Membership limited to a maximum of 20 corporate executives, by invitation of NWF	Develops policy statements on environmental challenges facing corporations and provides a forum for discussions with NWF leadership about emerging issues. Recognizes wetlands protection, management, and restoration efforts of individual corporations by making an annual award, in accordance with its wetlands conservation policy.	Annual contributions of both funds and the time of corporate executives and their technical staffs are used for operating expenses.	Barbara Haas, Director Corporate Conservation Council, National Wildlife Federation, 1400 Sixteenth Street, NW, Washington, DC 20036 (202) 797-6870
Waterways for Wildlife Program	Wildlife Habitat Enhancement Council	Nationwide	All entities, but corporations are primary participants	Assists in managing wildlands (including wetlands) through: collection and analysis of data, identification of enhancement projects, development of habitat plans, and technical direction in implementation and monitoring efforts	Membership donations	Robert Ferris, Director of Field Programs Wildlife Habitat Enhancement Council 1010 Wayne Avenue Suite 1240, Silver Spring, MD 20910 (301) 588-8994

**Table 3B Nonprofit Organization Program Activities**

Program activities:

- |   |                           |    |  |
|---|---------------------------|----|--|
| 1 | Project prioritization    | 7  | Long-term management                             |
| 2 | Site selection            | 8  | Monitoring/periodic reporting                    |
| 3 | Project plan development  | 9  | Land acquisition or easements                    |
| 4 | Project design            | 10 | Provides cost-share or matching funds            |
| 5 | Project construction      | 11 | Provides technical assistance                    |
| 6 | Operation and maintenance | 12 | Activities vary depending on state or local plan |

Note: the lead agency/organization may perform only some of the activities (see profile of program for more detailed information about which entity is responsible for program activities)

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
American Greenways Program	The Conservation Fund	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	
FishAmerica Foundation	FishAmerica Foundation		✓	✓	✓	✓	✓	✓	✓				
MARSH (Matching Aid to Restore States Habitat) Program	Ducks Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Habitat USA	Ducks Unlimited											✓	✓
Private Lands Program	Ducks Unlimited									✓	✓	✓	✓
Save Our Streams Program	Izaak Walton League of America	✓	✓	✓		✓						✓	
Izaak Walton League of America Grants and Loans	Izaak Walton League of America Endowment									✓			

**Table 3B Nonprofit Organization Program Activities (continued)**

Name of Program	Lead Agency/ Organization	Types of Program Activities											
		1	2	3	4	5	6	7	8	9	10	11	12
National Audubon Society projects	National Audubon Society		✓	✓	✓	✓	✓	✓	✓				
National Fish and Wildlife Foundation Grants	National Fish and Wildlife Foundation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
The Nature Conservancy projects	The Nature Conservancy		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Pheasants Forever projects	Pheasants Forever	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Waterfowl USA projects	Waterfowl USA									✓		✓	✓
Corporate Conservation Council	National Wildlife Federation												✓
Waterways for Wildlife Program	Wildlife Habitat Enhancement Council		✓										





## 4. PROFILES OF SELECTED WETLAND RESTORATION PROGRAMS

This chapter presents brief profiles of selected programs that appear most applicable to facilitating wetland restoration, creation, or enhancement. Of the 68 programs identified in the inventory in Chapter 3, profiles were prepared for 14 Federal programs, nine state programs, and six nonprofit organization programs. The profiles provide additional information describing the program's purpose, its administration and implementation, who is eligible to use/participate in the program, and the scope of the program's activities. The Federal, state, and nonprofit organization programs selected for profiles are listed in the sections below.

It should be noted that budgeting for some of these programs may prohibit acceptance of compensation funds for projects specified by those programs, particularly where those programs have been justified and authorized for other purposes. For example, Federally-funded wetland conservation projects undertaken under separate authority and for other purposes, cannot be used for the purpose of satisfying compensatory mitigation. However some cooperative or conjunctive efforts might involve mitigation funds to supplement program funds resulting in a larger and better wetland project than might be realized otherwise.

### Programs Profiled

#### Federal Programs

The 14 Federal programs that appear most applicable to facilitating wetland restoration, creation, or enhancement are listed below by lead agency/organization:

#### U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service:

- Wetlands Reserve Program
- Agricultural Conservation Program
- Water Bank Program

#### U.S. Department of Agriculture, Forest Service:

- Forest Stewardship Program/Stewardship Incentive Program
- Taking Wing Program
- Rise to the Future Program

#### U.S. Department of Commerce, National Oceanic and Atmospheric Administration:

- Coastal Zone Management Program

#### U.S. Department of Interior, Bureau of Land Management:

- Riparian-Wetlands Initiative

#### U.S. Department of Interior, Fish and Wildlife Service:

- North American Waterfowl Management Plan
- North American Wetlands Conservation Act Grant Program
- National Coastal Wetlands Conservation Grant Program
- FWS Challenge Cost-Share Program/Partners for Wildlife
- Private Lands Habitat Assistance and Restoration Program/Partners for Wildlife

## ***Profiles of Selected Wetland Restoration Programs***

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### **U.S. Department of Interior/U.S. Department of Agriculture:**

- Land and Water Conservation Fund/National Wetlands Priority Conservation Plan

### **State Programs**

Non-regulatory efforts by the states to restore, enhance, or create wetlands are most often supported and administered by a fish and wildlife or natural resource agency, or a quasi-governmental body such as a public authority. The state programs inventoried in Tables 2A and 2B represent a diversity of program types. In general, state programs vary substantially on two broad points: program focus and program autonomy.

- **Program Focus.** Some programs exist solely for the purpose of wetlands improvement (i.e., California Inland Wetlands Conservation Program), while others have a broader scope that includes wetlands improvement (i.e., Florida Surface Water Improvement and Management Program).
- **Program Autonomy.** Some state programs are at least partially funded with Federal dollars (i.e., state coastal zone management programs). More independent state programs' wetland improvement activities are supported only by the state and/or political subdivisions thereof, often with assistance from nonprofit organizations. The latter, more autonomous, programs are not all together detached from national efforts because of the North American Waterfowl Management Plan that facilitates coordination among Federal, state and local entities to restore waterfowl habitat in migratory waterfowl flyway regions of the country.

Nine of the state programs included in the inventory are summarized in more detail through profiles in this chapter. These nine programs are:

- California Wildlife Conservation Board (includes: California Inland Wetlands Conservation Program and California Riparian Habitat Conservation Program)
- Florida Surface Water Improvement and Management (SWIM) Program
- Illinois Natural Areas Acquisition Program
- Louisiana Coastal Wetlands Conservation and Restoration Program
- Michigan Coastal Zone Management Program
- Minnesota RIM Reserve Wetlands Restoration Program
- Nebraska Private Lands Wetlands Initiative
- Oregon Governor's Watershed Enhancement Board Grants

The nine state programs profiled illustrate a variety of program characteristics, including:

- **Supports a Joint Venture initiated under the North American Waterfowl Management Plan** (i.e., California Inland Wetlands Conservation Program, Minnesota RIM Reserve Wetlands Restoration Program, Nebraska Private Lands Wetlands Initiative)
- **Includes an established project prioritization system** (i.e., Florida Surface Water Improvement and Management Program, Louisiana Coastal Wetlands Conservation and Restoration Program, Minnesota RIM Reserve Wetlands Restoration Program, and Oregon Governor's Watershed Enhancement Board Grants)

- **Encompasses a comprehensive planning effort to restore, preserve, and enhance wetlands through coordinated funding and implementation effort by Federal, state, local, and nonprofit entities (i.e., Louisiana Coastal Wetlands Conservation and Restoration Program)**
  - **Awards grants to Federal agencies, among other entities (i.e., California Riparian Habitat Conservation Program)**
  - **Exemplifies considerable involvement of local governments (i.e., Florida Surface Water Improvement and Management Program)**
  - **Requires a state/local cost-share element (i.e., Florida Surface Water Improvement and Management Program)**
  - **Exemplifies a state coastal zone management program that passes funds to local governments and nonprofit organizations for restoration activities (i.e., Michigan's Coastal Zone Management Program)**
  - **Encourages private landowners to enroll their wetlands for restoration or enhancement (i.e., Minnesota RIM Reserve Wetlands Restoration Program, Nebraska Private Lands Wetlands Initiative)**
  - **Provides for fee-title land acquisition (i.e., California Riparian Habitat Conservation and Inland Wetlands Conservation Programs, Illinois Natural Areas Acquisition Program)**
  - **Provides for easement acquisition (i.e., Minnesota RIM Reserve Wetlands Restoration Program)**
- Some states do not have an established non-regulatory wetlands restoration or enhancement program per se, but are involved in individual activities on state-owned lands on a project-by-project basis. These essentially ad hoc activities are not included in this study.

#### **Nonprofit Organization Programs**

Six programs where the lead agency/organization is a private nonprofit organization were selected for profiles in this chapter. The nonprofit organization programs that appear most applicable to facilitating wetland restoration, creation, or enhancement are:

- Matching Aid to Restore States Habitat (MARSH): Ducks Unlimited
- FishAmerica Foundation
- Save Our Streams: Izaak Walton League of America
- National Fish and Wildlife Foundation Grants
- The Nature Conservancy
- Waterfowl USA



## Profiles

### **WETLANDS RESERVE PROGRAM**

#### **Purpose**

The Wetlands Reserve Program (WRP) provides owners of eligible land an opportunity to offer a property easement for purchase by the U.S. Department of Agriculture (USDA) and to receive cost-share assistance to restore farmed or converted wetlands. The aim is to restore hydrology and vegetation and protect the functions and values of wetlands for wildlife habitat, water quality improvement, flood water retention, ground water recharge, open space aesthetic values, environmental values, and other values determined appropriate.

#### **Administration and Implementation**

The Agricultural Stabilization and Conservation Service (ASCS) of the U.S. Department of Agriculture is the lead administering agency of the WRP, receiving technical support from the Soil Conservation Service (SCS) and the Fish and Wildlife Service (FWS). Landowners make bids to participate in the program which represent the payment they are willing to accept for granting an easement on a delineated area. Bids are initially reviewed by local ASCS offices to confirm their eligibility according to defined criteria and then ranked national by the ASCS according to the environmental benefits per dollar of government expenditures on wetland restoration and easement purchase.

For accepted bids, a Wetland Reserve Plan of Operations (WRPO) is developed with assistance from SCS and FWS, specifying the manner in which the wetlands must be restored, operated, and maintained, as well as cost estimates of the practices required and a schedule for implementation. FWS is required by statute to approve each plan.

Either permanent easements or 30-year easements (or the maximum duration allowed under state laws) may be granted under WRP. In FY 1992, the first year of the program, only bids for permanent easements were accepted. The ASCS purchases easements through cash payments to the landowner, either in a lump sum payment or in annual payments over a 10-year period. In addition, the ASCS makes cost-share payments to assist in establishing the practices required in the WRPO, which are up to 75 percent of costs for permanent easements. Should shorter term easement bids be accepted under the program in the future, cost-share payments will be between 50 and 75 percent. Total compensation may not exceed the fair market value of the land, less the fair market value of such land encumbered by the easement. By statute, the total amount of easement payments in any year may not exceed \$50,000 per person, except for permanent easements.

The program receives Federal funds and disperses them in accordance with the provisions of the Food Security Act of 1985 as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, which authorized the WRP. Funding is appropriated annually by Congress. In FY 1992, \$46.3 million was

appropriated and used for a nine state pilot program. To date, no funds have been appropriated for FY 1993. The statute set an enrollment goal for WRP of no more than 1,000,000 acres from the 1991 through 1995 calendar years.

### **Eligibility**

To be eligible to offer land for the WRP, a person must have owned the eligible property for at least 12 months unless it was acquired by will or inheritance. Eligible land includes farmed wetlands and cropland converted from wetlands prior to December 23, 1985. Additionally, some wetlands that do not meet the qualification of "farmed" wetlands or converted croplands may be eligible, including lands adjacent to eligible lands that are necessary to protect the restored area, riparian areas that link wetlands that are protected by another easement, and some lands protected under the USDA's Conservation Reserve Program (CRP). Enrollment in the WRP for FY 1992 was authorized in only nine states (California, Iowa, Louisiana, Minnesota, Mississippi, Missouri, New York, North Carolina, and Wisconsin). These pilot states were selected based on their geographic diversity and benefit potential. Future funding may be available to other states.

In evaluating and ranking the bids, ASCS considers the following:

- Costs of obtaining the easement
- Duration of easements (permanent easements receive priority consideration)
- Future agricultural and food needs
- The benefits for protecting and enhancing habitat for migratory birds and other wildlife that would be acquired through purchase of the easement
- Wetland hydrology restoration potential
- Wetlands locational significance, including the contribution that the restoration may make to the recovery of threatened and endangered species
- Wetlands functions and values
- Management risks

### **Scope of Program Activities**

Program activities and responsibilities for the WRP are outlined below:

- Prioritization and selection of projects that will provide the greatest environmental benefit (ASCS)
- Project plan (participant)
- Project design, with technical assistance provided by Federal agencies (participant, SCS and FWS)
- Purchase of easements from landowners (ASCS)
- Cost-share payments to landowners (ASCS)
- Operation and maintenance and long-term management, (varies depending upon the specifications agreed upon in the WRPO, the type of restoration project, and the length of the easement)
- Monitoring of restoration activities (ASCS and SCS)

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**AGRICULTURAL CONSERVATION PROGRAM**

**Purpose**

The Agricultural Conservation Program (ACP) provides funds to pay up to 75 percent of the costs of conservation and environmental protection practices on agricultural farm lands and ranches. The remaining costs are to be paid by the landowner or operator enrolled in the program. ACP is designed to help prevent soil erosion and water pollution, protect and improve productive farm and ranch land, conserve water used in agriculture, preserve and develop wildlife habitat, and encourage energy conservation measures.

**Administration and Implementation**

The ACP is administered by Agricultural Stabilization and Conservation (ASC) committees, under the general direction of the Agricultural Stabilization and Conservation Service (ASCS) of the U.S. Department of Agriculture. ASCS state and county offices serve as focal points for the administration of ACP, with technical support provided by various other Federal and state agencies.

Interested farmers or ranchers submit a cost-share request for a particular conservation practice to the county ASC committee in the ASCS county office. Eligible cost-share practices that constitute wetlands enhancement or restoration include installation of water impoundment reservoirs for environmental and wildlife enhancement, and development of new or rehabilitation of existing shallow water areas to support food, habitat and cover for wildlife. Practices that are primarily production-oriented for the farmer or rancher are not eligible for ACP cost-sharing.

Cost-share requests may be submitted for annual agreements or long-term agreements. Long-term agreements range from three to ten years for complete farms or three to five years for a portion of a farm, depending on the conservation practice. Requests for long-term agreements require that a conservation plan be developed by the U.S. Soil Conservation Service (SCS) and approved by the local Soil and Water Conservation District. Long-term agreements guarantee the participant cost-share funding for the life of the project. The maximum cost-share limitation for an annual agreement is \$3,500 per person, however lump sum payments in excess of \$3,500 may be authorized for a long-term agreement under certain conditions.

After final approval by the county ASC committee, the participant can begin implementing the conservation practice. Once the practice is completed, the participant must certify to the county ASC office that all installation specifications, technical standards and state or local regulations have been met. The participant is then reimbursed for the government's share of the cost (up to 75 percent of the cost of installation).

The ACP was authorized in the Soil Conservation and Domestic Allotment Act of 1936, as amended. ACP funds are authorized annually by Congress. The Federal ACP appropriation is distributed to state ASC committees, based on each state's soil and water conservation needs, and then to county ASC committees, which approve ACP payments to participating farmers and ranchers.

### **Eligibility**

Agricultural producers (farmers and ranchers) who establish cost-share needs are eligible for participation in ACP. Participants are typically landowners. However, operators are eligible if it is determined they have adequate control of the land during the life of the conservation practice.

### **Scope of Program Activities**

In addition to the participants, a diversity of government agencies at varying levels have a role in the ACP. Prioritization and selection of projects for ACP cost-sharing are largely functions of county ASC committees. Project plan development and design for annual cost-share agreements and long-term agreements are typically done by SCS and approved by the local Soil Water and Conservation District.

The SCS, the Cooperative Extension Service, the U.S. Forest Service (FS), and state forestry agencies provide technical assistance to program participants in carrying out conservation practices. Each state ASCS office may transfer up to five percent of their appropriation allocation to that state's SCS office to assist in funding necessary technical support. The participant is responsible for operation and maintenance of projects and long-term management where applicable.

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## **WATER BANK PROGRAM**

### **Purpose**

The Water Bank Program (WBP) provides individuals with interests in eligible land the opportunity to receive annual payments for wetland preservation and/or cost-share payments for installation of wetland conservation practices under 10-year agreements with the U.S. Department of Agriculture (USDA). The WBP is designed to: preserve and improve major wetlands as habitat for migratory waterfowl and other wildlife; conserve surface waters; reduce runoff, soil, and wind erosion; contribute to flood control; improve water quality; increase subsurface moisture; and enhance the natural beauty of the landscape.

### **Administration and Implementation**

WBP is administered by Agricultural Stabilization and Conservation (ASC) county committees, under the general direction of the Agricultural Stabilization and Conservation Service (ASCS) of the USDA. The Soil and Conservation Service (SCS) provides planning and technical support.

Eligible persons may enter into 10-year agreements with provisions for renewal during which time they agree not to degrade the wetland area. Annual payments are made by the ASCS at varying rates per acre. In 1991, rates ranged from \$7 to \$66 per acre, with an average of \$15 per acre. ASCS also provides cost-share payments, usually at the beginning of an agreement, for up to 75 percent of the cost of necessary conservation practices. This includes establishment or maintenance of vegetative cover, establishment or maintenance of shallow water areas and improvement of habitat, and provision of bottomland hardwood management.

The program is authorized by the Water Bank Act of 1970, as amended in 1980, and is funded annually through congressional appropriations. Congress appropriated \$192 million for WBP through 1991, however funding for WBP has been declining since the mid-1980s. From 1982 through 1991, 5,515 agreements had been entered into covering 607,000 acres of land. While there is no payment limitation on the amount participants can receive in any calendar year, an overall payment limitation of \$30 million in any calendar year applies to the program nationally.

Annual appropriations are allocated to state ASCS offices, which are responsible for funds management and payment to county ASCS offices for disbursement. When a 10-year agreement is signed, obligating ASCS to make annual payments to the participant, the cumulative amount of all payments for that agreement must come from the initial year's appropriation.

### **Eligibility**

Water Bank Agreements are available to any person (including an owner, operator, tenant, or sharecropper) who has an interest in eligible land. Eligible land includes privately owned inland fresh wetland areas of various types as defined in the U.S. Department of Interior's Circular 39. Seven wetland types meet this description: seasonally flooded basins or flats, fresh meadows, shallow fresh marshes, deep

fresh marshes, open fresh water, shrub swamps, and wooded swamps. Other privately owned land adjacent to the wetland may be designated eligible for WBP by county ASC committees if such land is essential to protect or provide important migratory waterfowl nesting, breeding, or feeding areas.

WBP operates in congressionally authorized states primarily along major migratory water routes used by waterfowl. Of these, the principal migratory routes are the northern part of the Central flyway and the northern and southern part of the Mississippi River flyway.

### **Scope of Program Activities**

WBP encompasses a broad scope of activities for which various entities are responsible: ASCS, ASCS county offices, county ASC committees, SCS, and landowner. These activities include:

- Project prioritization according to geographic area (ASCS, SCS)
- Site selection (county ASC committees)
- Project plan development, design, construction, and operation and maintenance (SCS and landowner)
- Long-term management for a minimum of 10-years (landowner)
- Monitoring (ASCS county office)
- Payment of cost-share funds (ASCS county office)

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## **FOREST STEWARDSHIP PROGRAM/STEWARDSHIP INCENTIVE PROGRAM**

### **Purpose**

The Forest Stewardship Program (FSP) provides cost-share funds to state foresters to develop Landowner Forest Stewardship Plans for private landowners of nonindustrial forests. The Stewardship Incentive Program (SIP) provides private owners of nonindustrial forest lands cost-share funds and technical assistance for implementation practices identified in Landowner Forest Stewardship Plans. These companion programs are intended to stimulate enhanced management of nonindustrial private forest lands through approved practices that will foster riparian and wetland protection and improvement, fisheries habitat improvement, wildlife habitat improvement, and a host of other positive ecological objectives.

## **Administration and Implementation**

FSP and SIP are administered primarily by the Forest Service (FS) under the U.S. Department of Agriculture (USDA). Also under USDA, the Agricultural Stabilization and Conservation Service (ASCS) plays a significant role in administering SIP, acting as the recipient of applications and distributor of cost-share funds on behalf of the FS.

Annually appropriated FSP funds are distributed to state foresters based on a formula that incorporates the number of nonindustrial private forest landowners and the acreage of nonindustrial private forest land in each state. State foresters are required to match FSP dollars but not necessarily channel the matching funds into the same account or use them for the same purposes. A State Management Plan developed by State Forest Stewardship Committees is required to receive FSP funding. State Management Plans set priorities and direct programs within the state.

An eligible landowner may contact the appropriate Service Forester (state forester employee) to request the development of a Landowner Forest Stewardship Plan. The Service Forester then uses FSP funds to develop the plan, contracting outside resources if necessary, such as the local Soil Conservation District, the U.S. Soil Conservation Service (SCS), state departments of fish and game, or private forestry consultants.

Each state's share of SIP funds is based on a formula similar to that used to distribute FSP funds, but includes an accomplishment factor to direct funds to those states that have been most successful. The FS contracts the ASCS to manage SIP funds in a central account. An eligible landowner may apply for SIP cost-share funds to implement practices identified in the Landowner Forest Stewardship Plan through an ASCS county office. Nine SIP practices have been approved by the FS for cost-share assistance. Of these, three SIP practices relate to wetlands:

- Protection, restoration, and improvement of wetlands and riparian areas to maintain water quality and enhance habitat
- Protection and enhancement of habitat for native fisheries
- Establishment and enhancement of permanent habitat for game and nongame wildlife species

Upon completion of SIP practices, landowners may be reimbursed for up to 75 percent of the cost by ASCS. Landowners must maintain and protect SIP-funded practices for a minimum of 10 years. SIP payments may not exceed \$10,000 per landowner per fiscal year.

FSP and SIP were authorized under the Food, Agriculture, Conservation and Trade Act of 1990. Funding of the programs - up to \$25 million (FSP) and \$100 million (SIP) annually through 1995 - is authorized by the Forest Stewardship Act of 1990. However, neither program has been fully funded in the first two years of operation.

## **Eligibility**

Private owners of nonindustrial forest lands are eligible to enroll in FSP for the purpose of developing a Landowner Forest Stewardship Plan. No acreage limit exists for FSP. Nonindustrial forest lands include rural lands with existing tree cover and other woody vegetation or land suitable for growing such

vegetation. Landowners with an approved Landowner Forest Stewardship Plan that own 1,000 acres or less of qualifying land are also eligible to participate in SIP, with waivers obtainable for exceptions of up to 5,000 acres.

### **Scope of Program Activities**

The following activities are conducted directly or indirectly by various entities through FSP and/or SIP:

- Project prioritization, which varies according to State Management Plans (state forester -- FSP)
- Site selection (private landowner and state forester -- FSP and SIP)
- Project plan and general design (state forester with assistance from FS -- FSP)
- Specific project design, construction, operation and maintenance, and long-term management (private landowner -- SIP)
- Periodic and random monitoring/reporting of SIP practices (FS -- SIP)
- Matching funds for project plan and general design (FS -- FSP)
- Cost-share funds for implementation of SIP practices (FS, with support from ASCS -- SIP)
- Technical assistance (FS, local Soil Conservation Districts, SCS, state departments of fish and game -- FSP and SIP)

### **Points of Contact**

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## **TAKING WING PROGRAM**

### **Purpose**

The Taking Wing Program, administered by the U.S. Forest Service (FS), provides direct and challenge cost-share funds to National Forest districts to implement waterfowl habitat improvement, maintenance and restoration projects, and to undertake research studies related to such improvements. The program is only one of several initiatives under the FS's umbrella wildlife program, Get Wild, which encourages an ecosystem approach to forest management.



## **Administration and Implementation**

Within the National Forest System (a branch of the FS), the Wildlife and Fisheries Division oversees the umbrella program, Get Wild, and distributes administrative responsibilities for each specific initiative to Regional FS offices. The Alaska Regional Office is responsible for administering the initiative for waterfowl and other wildlife associated with wetlands through the Taking Wing Program.

Projects implemented under the Taking Wing Program may be initiated at a number of levels within the National Forest system and may be funded in a variety of ways. Forest districts (the lowest tier in the system) typically demonstrate the need for waterfowl habitat and restoration projects through the Wildlife, Fish, and Rare Plant Reporting System, which requires them to report annual activities and future needs by program emphasis to the Forest Supervisor level. This information is compiled at the National Office in Washington.

The National Forest System receives an annual appropriation from Congress, a portion of which is earmarked for wildlife and fisheries initiatives. Funds are allocated among the FS's nine regional offices. Funds are then dispersed to the forest level based on needs determined from the previous year's reports. Forest Supervisors and District Rangers generally determine the allocation of funds between the different wildlife initiatives. A portion of all wildlife program funds dispersed to the Forests and/or District level is generally allocated for challenge cost-share projects. Challenge cost-share funds are used to encourage other agencies or organizations to contribute matching funds or in-kind services. Cost-share contributors have included state agencies, nonprofit conservation organizations, local sportsmen clubs, private corporations, and individuals.

## **Scope of Program Activities**

Program activities and responsibilities for the Taking Wing Program are outlined below.

- Project prioritization, selection, and plan development and design (FS -- Forest Supervisor and District levels)
- Project construction, operation and maintenance, and long-term management (FS -- Forest District level, with technical and advisory assistance from cost-share participants and Federal agencies such as the Soil Conservation Service and Fish and Wildlife Service)
- Administration of studies (FS - usually at Forest District level, occasionally at Forest Supervisor level)
- Reporting, using the Wildlife, Fish, and Rare Plant Reporting System (FS - Forest District level)
- Reporting, using the Management Attainment Reporting (MAR) System (FS - Forest District level)

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**RISE TO THE FUTURE PROGRAM**

**Purpose**

Rise to the Future is a fisheries program through which the U.S. Forest Service (FS) provides funding to National Forest districts to implement fish habitat management, which may include riparian wetland restoration projects. Funds are used to pay for projects outright or supplement challenge cost-share contributions of project partners.

**Administration and Implementation**

FS's Division of Wildlife and Fisheries oversees the Rise to the Future Program. Funds are distributed from the Division at the national level to the regional level, then from the regional level to the forest level, and finally from the forest level to the forest district level, which ultimately initiates projects. Allocation of funds at each level is based largely on data reported annually (by Forest districts) through the Wildlife, Fish, and Rare Plant Reporting System that indicates annual activities and future needs by program emphasis.

The Division of Wildlife and Fisheries at the national level does not dictate a matching ratio for individual fisheries projects undertaken at the Forest district level. However, the Division has an annual goal that all funds from Federal appropriations be matched on a 1:1 basis. This goal is realized through a challenge cost-share strategy, whereby partners contribute funds, in-kind services and materials, and labor toward particular projects. In FY 1991, the Wildlife and Fisheries Division spent approximately \$12 million of Federally appropriated funds on projects that were cost shared, with partners' matching funds exceeding \$19 million.

The Division of Wildlife and Fisheries receives annual appropriations from Congress under four line items in the FS budget. One line item is inland fisheries habitat management, from which riparian wetlands restoration projects are funded. Another line item is wildlife habitat management; appropriated funds for waterfowl habitat fall under this category (see profile of the Taking Wing Program). The Division also receives grants from the National Fish and Wildlife Foundation (see profile of National Fish and Wildlife

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Foundation Grants) for various activities, maintaining a separate accounting system to comply with the Foundation's requirements, as established by Federal legislation.

### **Eligibility**

With the exception of individuals or entities with pending FS permits, parties are eligible to participate in challenge cost-share projects by contributing funds and services toward particular projects. Challenge cost-share partners range from state agencies to private nonprofit and for-profit organizations.

### **Scope of Program Activities**

Program activities and responsibilities under the Rise to the Future Program are as follows:

- Project prioritization, site selection, and plan development and design (forest level and forest district level)
- Project construction, operation and maintenance, and long-term management (forest district level, with assistance from cost-share partners)
- Reporting using the Wildlife, Fish, and Rare Plant Reporting System (Forest districts)

### **Point of Contact**

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## **COASTAL ZONE MANAGEMENT PROGRAM**

### **Purpose**

The Coastal Zone Management (CZM) Program provides funds to states to facilitate restoration and enhancement of the Nation's coastal zone areas. The overall goal of the CZM Program is to guide and support participating states in developing and implementing comprehensive coastal zone management regulatory programs through corporate agreements. Under the Federal-state partnership strategy, states are charged with taking the management lead, and the Federal government provides oversight, technical

assistance, and financial assistance through matching grants. Some states pass partial funds through to local government entities for implementation of activities under CZM programs.

### **Administration and Implementation**

The CZM Program is administered by the National Oceanic and Atmospheric Administration (NOAA), under the U.S. Department of Commerce. The CZM Program was established under the CZMA of 1972, as amended. The program is funded annually through Congressional appropriations. States with approved CZM programs may submit annual applications to NOAA for grant funding to implement the programs. The states are required to match implementation grant funds with non-Federal funds on at least a dollar-for-dollar basis. Purposes for which grant funding may be used vary depending on states' resource management needs and approved CZM program emphasis. Some states, for example, use CZM implementation grants to support coastal wetlands restoration and management activities.

Some states pass implementation grant funds on to local governments or nonprofit organizations involved in coastal management activities, provided that their CZM programs provide for this arrangement. For example, Michigan retains some of its grant funds at the state level to administer its own regulatory programs, and awards partial funds to local governments and nonprofit organizations. This arrangement allows the state to draw upon other entities not only to implement resource management activities but to assist in matching Federal grant funds (see profile of Michigan Coastal Zone Management Program).

Under Section 309 of the 1990 Coastal Zone Management Act (CZMA) amendments, states receiving CZM implementation grants may qualify for an enhancement grant to develop a multi-area strategy to improve their program in eight areas:

- Wetlands
- Special Area Management Plans
- Public access areas
- Cumulative and secondary impacts
- Coastal hazard
- Marine debris
- Energy facility sitings, and
- Ocean resources

A state applying for an enhancement grant is first required to undertake a critical evaluation of its CZM program to determine its effectiveness in each of the eight areas. The multi-area strategy, which states will have the option to reformulate every four years, will prioritize CZM program activities in each area that warrants attention, based on the critical evaluation. For example, if evaluation reveals that a state's CZM program has not been effective in addressing wetland issues, the multi-area strategy may identify wetland restoration as a priority or, more specifically, identify actual locations as priority areas for wetland restoration.

Special Area Management Plans (SAMPs), as provided for under a multi-area strategy, dictate the management of a small area that is under stress due to development and is subject to multi-jurisdictional regulation. The planning process for SAMPs typically involves assessing the conditions of the area and

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recommending management practices. Actual management practices in SAMPs vary widely with local conditions, but can include wetlands restoration activities.

States that do not have a NOAA-approved CZM program may receive Federal CZM Program funds to develop one. CZM program development grants do not require a state match. However, Federal fiscal constraints have impeded NOAA from fully funding program development.

### **Eligibility**

There are 36 coastal and Great Lakes states eligible for participation in the CZM Program. Of these, 29 states have approved CZM programs, qualifying them for CZM implementation grants. The majority of states with approved programs have received enhancement grants. Of the seven states that do not have approved CZM programs, five have received CZM program development grants in anticipation of submitting a CZM program for approval.

### **Scope of Program Activities**

The status and emphasis of each state's CZM program dictate the use of CZM Program grant funds. The scope of program activities, therefore, varies considerably. Consistent among state's with approved CZM programs is the cost-share requirement, and provision of technical assistance. As of June 1995, all states receiving CZM implementation grants will be required to develop a non-point source control program or risk losing increasing percentages of implementation funds annually.

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## **RIPARIAN-WETLANDS INITIATIVE**

### **Purpose**

The Riparian-Wetlands Initiative is a blueprint for restoration, management, and protection of riparian and wetland areas on lands administered by the Bureau of Land Management (BLM), U.S. Department of Interior. The initiative strives to restore and maintain riparian-wetland areas so that 75 percent or more

are in proper functioning condition by 1997, and to protect riparian-wetland areas through proper land management. The program encourages and provides for cost-sharing with non-Federal partners.

### **Administration and Implementation**

The Riparian-Wetlands Initiative is an effort supported by all resource management programs of BLM, with the Branch of Soil, Water, and Air taking the lead administrative role. Projects are initiated and carried out at the BLM field office level.

The Riparian-Wetlands Initiative is funded partially through annual appropriations to three BLM resource management programs: wildlife habitat and fisheries management; rangeland resources; and soil, water, and air resource management. However, there is no budget line item specifically for the initiative. BLM resource management programs are encouraged to use as much as possible of their annual appropriation allocation (which is based on all their operations) to cost-share projects. The wildlife habitat and fisheries management program, which contributes substantially to the Riparian-Wetlands Initiative, is one of the few that is mandated to use a portion of its appropriation allocation for cost-sharing. In FYs 1992 and 1993, approximately 10 percent of the wildlife habitat and fisheries management program's appropriation allocation was matched by non-Federal partners through cost-share arrangements. Cost-share matches, on average, are \$1.40 of non-Federal funds for every \$1 of BLM funds.

BLM also receives grants from the Land and Water Conservation Fund and the National Fish and Wildlife Foundation (see the respective profiles) for activities that support the Riparian-Wetlands Initiative. For these funds, BLM must maintain a separate accounting system to comply with requirements of each funding source as provided by Federal legislation.

### **Eligibility for Cost-Share Participation**

A wide range of parties is eligible to participate in challenge-cost share projects by contributing funds and services toward particular riparian-wetland projects. Challenge cost-share partners range from state agencies to private nonprofit and for-profit organizations. While Federal agencies may contribute funds and/or services to a BLM project, they are not counted as challenge cost-share partners.

### **Scope of Program Activities**

Program activities performed by BLM and cost-share partners include: inventorying riparian-wetland areas; project prioritization and site selection; project plan development, design, and construction; operation and maintenance; long-term management; and monitoring.

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## **NORTH AMERICAN WATERFOWL MANAGEMENT PLAN**

### **Purpose**

The North American Waterfowl Management Plan (NAWMP) was signed by the United States and Canada in 1986, establishing a 15-year framework for an international strategy to coordinate the efforts of diverse wetland conservation programs on behalf of migratory birds and other wildlife. NAWMP emphasizes the protection and restoration of wetlands. More specifically, NAWMP is dedicated to restoring and protecting about six million acres of waterfowl habitat and restoring populations of ducks to their 1970's level. Implementation of NAWMP occurs through numerous joint ventures that bring together public agencies and private conservation groups, and by using international funding techniques.

### **Administration and Implementation**

A 12-member committee appointed by the Directors of the Canadian Wildlife Service and the U.S. Fish and Wildlife Service (FWS) guides the implementation of NAWMP. The committee consists of two representatives from the Canadian Wildlife Service, two representatives from the U.S. Fish and Wildlife Service, four representatives from U.S. states, and four representatives from Canadian provinces.

In the U.S., Joint Venture Management Boards, comprised of a coordinator from the FWS and representatives from industry, conservation groups and government agencies, develop and direct regional plans that address how each joint venture will accomplish the broader waterfowl population and wetland restoration goals of NAWMP. Canada and the U.S. each have headquarters offices to guide the Joint Venture Management Boards. The U.S. headquarters, the North American Waterfowl and Wetlands Office is located in Arlington, VA.

NAWMP provides for overall prioritization of joint venture efforts to the extent that it identifies waterfowl population and wetland restoration goals as well as joint venture areas where activities are targeted based on historical data and research. However, it does not identify or prioritize particular sites or projects for wetland restoration or creation efforts. Specific projects under each joint venture are determined by the joint venture partners.

Actual joint venture projects are funded individually by the joint venture partners involved. The FWS regions receive some Federal appropriations for associated administrative efforts (approximately \$1.98 million will be distributed among all joint ventures in 1993), but the actual funding or in-kind services for project implementation are provided by joint venture project partners through autonomous programs or general funds. Another potentially significant funding mechanism is provided by the North American Wetlands Conservation Act of 1989, which authorized Federal funding for public-private partnerships for wetland conservation projects under NAWMP (see profile of North American Wetlands Conservation Act Grant Program).

### **Scope of Program Activities**

One programmatic activity that NAWMP directly provides for is an international tracking system (just now at its inception) that will track activities accomplished through joint venture projects. As noted above, NAWMP supports project prioritization indirectly by providing a consensus building and strategic planning forum. Joint Venture Management Boards prioritize and select the specific projects and activities that best support the goals of NAWMP. Because activities executed by joint venture project partners are typically subsumed under a variety of Federal, state, or local government programs as well as programs of conservation organizations, it is not appropriate to portray NAWMP as providing for project planning, design, construction, operation and maintenance, or long-term management. Similarly, the extent to which NAWMP includes technical assistance for particular projects is contingent upon the nature of the joint venture partnerships.

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## **NORTH AMERICAN WETLANDS CONSERVATION ACT GRANT PROGRAM**

### **Purpose**

The North American Wetlands Conservation Act of 1989 (the Act) authorized significant Federal funding to encourage partnership efforts among public agencies and other interested parties consistent with the goals of the North American Waterfowl Management Plan (NAWMP) and provisions of the Act itself. The Act authorizes the Migratory Bird Conservation Commission (the Commission), chaired by the Secretary of the Interior, to award matching grants to other agencies, groups or individuals to undertake a variety of types of wetlands conservation projects. Eligible projects include enhancement and restoration of wetland ecosystems for migratory birds and other fish and wildlife in North America. The Act stipulates that between 50 to 70 percent of the funds must be spent on projects in Canada and Mexico.

### **Administration and Implementation**

The Act established the North American Wetlands Conservation Council (the Council), whose main responsibility is to recommend wetland conservation projects to the Commission for funding approval. Project applications that meet stated criteria of the Act (one of which is whether the proposed project addresses the goals of the NAWMP) are scored by the Council's technical staff from 1 to 100 based on



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biological and technical information. Assessment and prioritization of U.S. and Canadian projects are done separately. Prioritization lists are sent to NAWMP Joint Venture Management Boards for review and comment. Joint Venture Management Boards may indicate a desired change in the priority of projects within their joint venture geographic area, but the Commission makes the final determination regarding which projects receive grant funding.

Each approved project is administered as a Federal grant by the North American Waterfowl and Wetlands Office, which was established by the U.S. Fish and Wildlife Service (FWS). The Act authorized annual appropriations of up to \$15 million to the FWS for the grant program. In addition, the Act authorized \$10-12 million annually from a special fund for interest on the Federal Aid in Wildlife Restoration account, which receives revenues collected under the Pittman-Robertson Federal Aid in Wildlife Restoration Act. The FWS has received other funds for the program through fines and forfeitures from violations of the Migratory Bird Treaty Act and funds authorized by the Coastal Wetlands Act of 1992.

Federal funds requested through the grant program must be matched at least 50-50 by non-Federal U.S. funds from private, state, or local sources. In-kind services qualify as matching funds. The program has received matching funds from state governments, and state and national conservation groups.

### **Eligibility**

Wetland conservation project proposals may be submitted by any private citizen, organization, or government entity, including Federal agencies as long as Federal dollars are not offered as the match. Proposals for projects on Federal lands do not necessarily require a match, although it is desirable that such projects attempt to find non-Federal matching funds. Proposed projects that will provide credits to a state wetland mitigation bank require a statement describing how such crediting will support wetlands conservation (i.e., not cause wetlands loss).

### **Scope of Program Activities**

Unlike the NAWMP, the North American Wetlands Conservation Act Grant Program provides a more systematic means of project prioritization and selection through Council review, joint venture comment, and final Commission approval. The application review and selection process support the development of quality project plans and a long-term management commitment from the participant. The participant is responsible for project design, construction, and operation and maintenance. The program requires reporting for projects funded under the Act so that they can be tracked using the international tracking system developed under the NAWMP.

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## **NATIONAL COASTAL WETLANDS CONSERVATION GRANT PROGRAM**

### **Purpose**

National Coastal Wetlands Conservation Grants are awarded to coastal states on a competitive basis to support efforts to conserve and enhance coastal areas and their wildlife.

### **Administration and Implementation**

National Coastal Wetlands Conservation Grants are administered by the U.S. Department of Interior's Fish and Wildlife Service (FWS). States submit applications to the FWS for projects that are consistent with the purpose and provisions of the Coastal Wetlands Planning, Protection, and Restoration Act of 1990. Applications are accepted on an annual basis and projects are normally funded in annual segments. Funding of multi-year projects is contingent upon the availability of program funds in future fiscal years.

The share of project costs funded by the Federal grant can not exceed 50 percent, unless the coastal state has established a trust fund for the purpose of acquiring coastal wetlands, other natural areas, or open spaces, in which case the Federal share may be increased to 75 percent. Grant funding can be used for acquisition of interests in coastal lands or waters, and for restoration, enhancement or management of coastal wetland ecosystems. The grant recipient must provide for long-term conservation of such coastal lands or waters and their hydrology, water quality, and fish and wildlife.

National Coastal Wetlands Conservation Grants are authorized by the Coastal Wetlands Planning, Protection, and Restoration Act of 1990. The source of funding for the grant program is a portion of the revenues deposited in the Sport Fish Restoration Account of the Aquatic Resources Trust Fund. Revenues deposited in the Sport Fish Restoration Account are derived from a 10 percent excise tax on trolling motors and sonar fish finders, as well as taxes on gasoline attributed to use in small engines, and a portion of the taxes on gasoline used in motorboats.

### **Eligibility**

All states bordering on the Atlantic, Gulf (except Louisiana), and Pacific coasts, states bordering the Great Lakes, Puerto Rico, the Virgin Islands, Guam, the Mariana Islands, Trust Territories of the Pacific Islands, and American Samoa, are eligible for National Coastal Wetlands Conservation Grants. Applications must be submitted by the state agency having responsibility for acquisition of interest in coastal lands or waters and for restoration, management or enhancement of coastal wetland ecosystems.

### **Scope of Program Activities**

The following activities are provided for by the Coastal Wetlands Planning, Protection, and Restoration Act of 1990 or the terms of grant agreements under the program:

- Selection of projects based on eligibility requirements (FWS)

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- Plan development, project design, construction, and operation and maintenance, if applicable (grant recipient)
- Long-term management (grant recipient)
- Annual performance reporting (grant recipient)
- Provision of grants to fund Federal share of project costs (FWS)

### **Point of Contact**

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## **FWS CHALLENGE COST-SHARE PROGRAM**

### **Purpose**

The FWS Challenge Cost-share Program encourages partnerships and cooperative activities between the U.S. Fish and Wildlife Service (FWS) and non-Federal government agencies and private organizations to manage, restore, and enhance natural and cultural resources. Development of fish and wildlife habitat and wetland restoration represent some of the types of projects cost shared under the program.

### **Administration and Implementation**

The Challenge Cost-share Program is administered by the FWS, Division of National Wildlife Refuges. Local FWS Offices initiate and sponsor projects on FWS and private lands, obtaining final project funding approval by the FWS Regional Offices. Prioritization of proposed Challenge Cost-share projects is based on the following priorities mandated at the national level: (1) endangered species, (2) wetlands, (3) watchable wildlife, (4) biodiversity, (5) refuge/hatchery operations, and (6) law enforcement.

Non-Federal partners are expected to provide at least 50 percent of the cost of each project. The non-Federal partner(s) share is flexible and may be in the form of direct funding, material, equipment, or other in-kind contributions.

The Challenge Cost-share Program was established by an Act of Congress in 1988 and is funded through annual appropriations. Of the \$3.1 million appropriated in FY 1992, \$1.3 million was used for work on FWS land, and \$1.8 million was available for use on or off FWS lands.

### **Eligibility**

Any non-Federal public or private institution, organization or individual is eligible to participate in the Challenge Cost-share Program.

### **Scope of Program Activities**

- Project prioritization and site selection (FWS Local Offices, with direction from the National Office)
- Project plan development, design, and construction (FWS local staff and non-Federal partner)
- Operation and maintenance (FWS on FWS refuges, non-Federal partner and/or landowner on private lands)
- Long-term management (FWS on FWS refuges, non-Federal partner and/or landowner on private lands)
- Monitoring (FWS Regional Offices)
- Technical assistance (FWS Local Offices)

### **Point of Contact**

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## **PRIVATE LANDS HABITAT ASSISTANCE AND RESTORATION PROGRAM**

### **Purpose**

The U.S. Fish and Wildlife Service (FWS) administers the Private Lands Habitat Assistance and Restoration Program, which supports three main efforts: (1) to provide technical and financial assistance to private landowners to restore wetlands and other declining habitats that have been drained or otherwise degraded; (2) to fund habitat restoration on Farmers Home Administration (FmHA) easement and fee-title lands; and (3) to provide technical assistance activities in support of other Federal agency programs (i.e., conservation easement review for FmHA and Wetlands Reserve Program eligibility determinations and restoration plan development for the Agricultural Stabilization and Conservation Service (ASCS)). This summary focuses on the first two efforts -- habitat restoration on private lands and FmHA lands.

## **Habitat Restoration on Private Lands**

### Administration and Implementation

Through the Private Lands Habitat Assistance and Restoration Program, the FWS offers technical and financial assistance to private landowners who wish to restore wetlands and other declining habitats that have been drained or otherwise degraded. Landowners first express interest in enrolling land in the program to their respective FWS regional office. FWS staff then evaluate projects proposed by landowners based on a number of criteria that include:

- Cost-share potential (a non-Federal contribution improves the chances that a project will be funded)
- Acreage to be restored per dollar of Federal funding
- Length of easement or cooperative agreement (permanent easements and long-term agreements receive a higher priority for funding)
- Technical feasibility of restoration
- Contribution to the survival of endangered, threatened, or candidate species, or migratory birds of management concern
- Contribution to the North American Waterfowl Management Plan
- Minimization of problems related to fragmentation of habitat by virtue of a project's proximity to existing habitat
- Contribution to the restoration of globally or nationally imperiled natural communities
- Ability of system to be self-sustaining without dependence on artificial structures
- Benefit to fish spawning habitat

Provided a proposed project qualifies and the FWS region has adequate program funds, the FWS provides financial and technical assistance to the private landowner, and the two parties enter into a formal cooperative agreement. Cooperative agreements must extend for at least 10 years. Examples of approved restoration project types include: plugging drainage ditches, installation of water control structures, dike construction, and planting trees in formerly forested wetlands. U.S. Soil Conservation Service (SCS) staff at the county level and local Soil and Water Conservation Districts (SWCD) provide technical assistance to the FWS in implementing restoration projects.

The Private Lands Habitat Assistance and Restoration Program was established under the Fish and Wildlife Act of 1956. The program receives annual appropriations of Federal funds, which the FWS allocates to each of its regions (except Alaska). The majority of funds are allocated to those regional areas that have historic waterfowl values. The demand for habitat restoration on private lands is high, with some FWS regions experiencing a backlog of 2,000 landowners waiting to enroll their land.

### Eligibility

Any owner of private land that encompasses degraded wetlands is potentially eligible for technical and financial assistance. Owners of upland habitats are eligible for financial assistance only if the proposed restoration will contribute to the solution of problems on nearby refuges; the recovery of an endangered, threatened, or candidate species, and certain migratory birds of management concern; the protection of adjacent wetlands; or the conservation or restoration of a globally or nationally imperiled natural community.

### Scope of Program Activities

The following activities are provided for under the Program's habitat restoration on private lands effort:

- Nationwide geographic area prioritization (FWS)
- Project prioritization and site selection (FWS regional office and state private lands coordinator)
- Project plan development, design, construction and monitoring (FWS regional office and state private lands coordinator)
- Technical assistance (SCS county level staff and local SWCD)
- Cost-sharing or in-kind services (participant)

Operation and maintenance and long-term management are generally not provided for under the Program (the FWS advocates projects that are self-sustaining) and cost-share funds may not be used for purchase of fee-title or easements.

### **Habitat Restoration on Farmers Home Administration Lands**

#### Administration and Implementation

Under the 1990 Farm Bill, the U.S. Department of Agriculture is required to protect and restore wetlands in conjunction with their property disposal program. The FWS is tasked with identifying and recommending wetlands in FmHA's inventory to be placed under easement and restored. Easements or fee-title to those properties of special environmental importance may be transferred to FWS or other Federal or state agencies for conservation, without reimbursement. The FWS provides technical and financial assistance for restoration activities on FmHA easement and fee-title transfer tracts under the Private Lands Habitat Assistance and Restoration Program to perform wetland restoration activities on FmHA easement and fee-title-transfer tracts.

FWS staff evaluate habitat restoration projects on FmHA easement and fee-title land using the same criteria as for private lands projects. However, the priority rating system is slightly modified for FmHA land based restorations. Because FmHA land projects are administered under permanent easements they would potentially rate higher across the board than private land projects which are administered under cooperative agreements of not less than ten years. Therefore, less weight is given to the length of easement criteria when evaluating FmHA projects in an effort to maintain the focus of the Program on private lands.

#### Eligibility

State and Federal agencies that have acquired FmHA inventory property, including fee-title lands and easements, for conservation purposes are eligible to receive technical and financial assistance from FWS for habitat restoration.

#### Scope of Program Activities

The same activities that are provided for under the Program's habitat restoration on private lands effort are available to holders of FmHA fee-title and easements.

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**LAND AND WATER CONSERVATION FUND/  
NATIONAL WETLANDS PRIORITY CONSERVATION PLAN**

**Purpose**

The Land and Water Conservation Fund (LWCF) is the primary source of funding for land acquisitions of four Federal agencies: the Forest Service (FS) ; the Fish and Wildlife Service (FWS); National Park Service (NPS); and Bureau of Land Management (BLM). In addition to funding land acquisition by Federal agencies, the LWCF provides funding for the State Assistance Program, which is administered by the NPS and provides grants to state agencies for acquisition of recreation and other open space lands.

The Emergency Wetlands Resources Act of 1986 had a significant effect on funding from the LWCF by giving wetlands acquisition the same priority as recreational areas. The Act required states to include wetlands acquisition in their State Comprehensive Outdoor Recreation Plans, to before receiving funds from the LWCF under the State Assistance Program. The Act also required the FWS to prepare a National Wetlands Priority Conservation Plan that sets priorities for wetland acquisition by Federal and state agencies using LWCF monies. The FWS's current plan provides for Federal and state government acquisition of damaged wetlands that have potential for restoration and enhancement.

**Administration and Implementation**

The LWCF is Federal Treasury account that accumulates funds from Outer Continental Shelf Lands Act revenues derived from offshore oil and gas leasing, the sale of surplus Federal real estate, a portion of Federal taxes on motorboat fuel, and entry fees at selected Federal recreation areas. The primary funding source for the LWCF is offshore oil and gas leasing revenues. Congress appropriates funds from the LWCF annually.

USDI and USDA each submit a prioritized list of proposed land acquisition sites (on behalf of their respective agencies) to the Office of Management and Budget (OMB) under the Executive Office of the President. Development of these lists involves agency personnel evaluating each proposed site and scoring it by summing points it receives by meeting ranking criteria (see below). The OMB then sets a limit on total annual acquisition funds and forwards the President's list to the Congress, which makes the final

decision on which lands to purchase. Generally, Congress appropriates money for acquisitions from the LWCF based on the President's list as well as suggestions from conservation organizations that are called to testify at budget hearings about the desirability and value of specific tracts of land. Each of the two Federal agencies receives a separate annual appropriation from the LWCF.

The LWCF was established under the Land and Water Conservation Fund Act of 1964. It has been extended through the year 2015 by the 1988 Budget Reconciliation Act.

#### Evaluation and Ranking Criteria

USDI and USDA direct their respective agencies to evaluate each proposed acquisition site based on the same ranking criteria. A proposed project will accumulate points based on the extent to which it meets the criteria. The ranking criteria are listed below:

- Prevention of property development
- Provision of recreational opportunities
- Preservation of habitat of endangered species
- Protection of wetlands and riparian areas
- Existence of infrastructure amenities
- Level of increased use by the public
- Increased management efficiency
- Savings in Federal acquisition costs (e.g., any partial donations made for a site purchase would lower the cost to the Federal government)
- Involves less than full fee ownership (i.e., a higher ranking goes to properties with conservation easements)
- Involves significant non-Federal ownership

With respect to wetlands protection, a proposed project will receive:

- 80 points if the principal benefit to be derived from the acquisition is its wetlands characteristics, as defined in the Emergency Wetlands Resources Act of 1986
- 60 points if the property contains a wetland or riparian area that is relatively scarce or unique
- 40 points if the property contains a wetland or riparian area that, while not scarce or unique, nevertheless provides substantial public benefits

The ranking system also provides an opportunity for each agency to further their specific goals by ranking their top 20 projects according to their own criteria and awarding them with additional points from 150 points for their highest priority project, 142.5 for the second highest priority project, and 135 for the third, with points decreasing incrementally by 7.5 for the remainder of the top 20 projects.

#### LAPS Database

The USDI maintains a Land Acquisition Priority System (LAPS) database of proposed acquisition sites and the score they have received for each ranking criteria by agency personnel. The database can be sorted to reflect sites with the highest score for a particular criteria, for example, protection of wetlands and



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riparian areas. USDI's LAPS database was developed specifically for the purpose of prioritizing all four Federal agencies' proposed acquisition sites. Until recently, the LWCF ranking process had involved preparation of a joint USDI and USDA list of proposed acquisition sites.

The FWS also has a LAPS database that prioritizes acquisition sites specifically for the FWS, based on different ranking criteria. The FWS uses its LAPS database in prioritizing their top 20 sites to receive additional points for funding through the LWCF. Consequently, sites may not appear in the same order of priority in the FWS and USDI LAPS databases.

### **Scope of Program Activities**

The LWCF is primarily a funding mechanism that supports numerous state and Federal land acquisition programs, some of which involve wetlands. Perhaps the most significant activity conducted by Federal and state agencies seeking LWCF monies is the prioritization and selection of wetland sites for acquisition.

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## **CALIFORNIA WILDLIFE CONSERVATION BOARD**

### **Purpose**

The State of California instituted new habitat restoration and preservation programs when it decided to participate in the Central Valley Habitat Joint Venture under the North American Waterfowl Management Plan. The California Wildlife Conservation Board (the Board), which was the real estate arm of the California Department of Fish and Game, was selected to coordinate administration of this effort on behalf of the state. The Board is now loosely tied to the Department of Fish and Game, and the focus and scope of its responsibilities have changed considerably to administer the state's Riparian Habitat Conservation Program and Inland Wetland Conservation Program.

### **Administration and Implementation**

Under the Riparian Habitat Conservation Program and Inland Wetlands Conservation Program, the Board has the authority to purchase, sell, and exchange any rights in land, and the authority to award grants and loans for land acquisition and management activities. The programs differ, however, in their jurisdictional limits and the entities to which they may award grants. The Riparian Habitat Conservation

Program has statewide jurisdiction and may award grants and loans to all entities, including Federal agencies. The scope of activities under the Inland Wetlands Conservation Program is limited to the Central Valley region extending from Red Bluff to Bakersfield, California. The Inland Wetlands Conservation Program may award grants and loans only to non-Federal entities.

The Inland Wetlands Conservation Program was established pursuant to Chapter 1645, Statutes of 1990, and the Riparian Habitat Conservation Program pursuant to Chapter 762, Statutes of 1991. Funding for the programs comes from the sale of state bonds, environmental license plate funds, a portion of state cigarette tax revenues, and profits on the Board's property transactions.

### **Eligibility**

Any owner of riparian habitat, which meets specified criteria, is eligible under the Riparian Habitat Conservation Program, with grants and loans available to anyone with a legal interest in property worthy of riparian habitat restoration. Eligibility under the Inland Wetlands Conservation Program is limited to owners of inland wetlands that are prioritized under Central Valley Habitat Joint Venture Plan and, as noted above, only non-Federal entities are eligible for grants and loans.

### **Scope of Program Activities**

The scope of activities performed by various entities involved in the two programs is broad, but the Board itself primarily acts as a coordinator. Prioritization of inland wetland conservation projects is dictated by the Central Valley Habitat Joint Venture Plan, which has very distinct objectives and priorities for siting wetland acquisition and restoration activities. The direction of riparian habitat conservation projects within the Central Valley region is also somewhat determined by the Joint Venture Plan, however, a statewide inventory and assessment of riparian habitats is currently being developed to assist the Board in prioritizing projects statewide.

Project selection is ultimately the Board's responsibility, although the Board typically solicits endorsements from the Department of Fish and Game. Responsibilities for project plan development, design, construction, and operation and maintenance vary depending upon the nature of the project. Where the Board purchases property for restoration, they may call on the Department of Fish and Game or contract out for restoration work. Where the Board awards grants and loans to independent entities, the recipient performs the restoration activities. Long-term management of land restored with grant funds is the responsibility of the recipient for a period of 25 years. Long-term management is also provided for, albeit indirectly, through the Board's purchase of conservation easements.

### **Points of Contact**

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## **FLORIDA SURFACE WATER IMPROVEMENT AND MANAGEMENT (SWIM) PROGRAM**

### **Purpose**

The Surface Water Improvement and Management (SWIM) program provides a framework for the state's Water Management Districts to develop plans for improvement of water habitat and quality, and provides cost-share funds for the implementation of such plans. Florida's five Water Management Districts, which conform to state water resources regions, are autonomous units of local government that play a significant role in implementing the state's water programs.

### **Administration and Implementation**

The SWIM program is administered by the Florida Department of Environmental Regulation (DER). The DER is responsible for review of Water Management Districts' SWIM plans for consistency with state water policy and administration of the SWIM Trust Fund. The five Water Management Districts submit SWIM plans to the DER's Office of Intergovernmental Programs annually, proposing strategies for improvement of water habitat and quality. Wetlands restoration, creation, and enhancement projects are among a diversity of projects that may be proposed under the program. DER reviews plans and distributes funds from the Trust Fund for approved projects.

Water Management Districts are required to cost-share in the implementation of their SWIM plans, providing at least 40 percent of the total cost. The Districts have authority to levy ad valorem taxes to finance local water projects. Districts are encouraged to enter into intergovernmental agreements with other units of local government or to solicit nonprofit organizations for assistance in supporting the District's share of the cost. In-kind services or land contributions are not acceptable to fulfill the matching requirement.

The program was established under the SWIM Act of 1987, Chapter 373.451. State funds for the SWIM program are provided annually by the state legislature through appropriations from general revenues. State funding for the program has diminished substantially since its inception; from \$15 million in FY 1988 to \$3 million in FY 1992.

### **Scope of Program Activities**

SWIM plans and the scope of activities carried out in their implementation vary among the five Water Management Districts. Depending on local priorities and conditions, activities associated with program implementation may range from site selection to long-term management. However, the SWIM program expressly prohibits the use of SWIM funds for land acquisition. The state is currently working to integrate its land acquisition programs, such as Save Our Rivers, with the SWIM program to increase the benefits derived from water habitat and quality improvement efforts.

The legislation authorizing the SWIM program named six priority waterbodies and established a process to be used by the Water Management Districts to identify additional priority waterbodies to be improved through the program.

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**ILLINOIS NATURAL AREAS ACQUISITION PROGRAM**

**Purpose**

The Illinois Natural Areas Acquisition Program (NAAP) is a state initiative to purchase valuable areas identified in the state's Natural Areas Inventory for preservation and restoration purposes. Some 75 percent of the areas purchased under NAAP constitute wetlands by virtue of their high natural resource value and/or potential in the Inventory's ranking system.

**Administration and Implementation**

The Illinois Department of Conservation (IDOC), Natural Heritage Division targets particular areas in the state (both public and private) for acquisition, using the Illinois Natural Areas Inventory developed by The Nature Conservancy. Provided that adequate funds are available and landowners are willing to sell, IDOC purchases the desired area. By statute, an amount equal to 10 percent of the acquisition cost must be dedicated to stewardship and management practices on acquired areas.

A percent of revenues from the state's real estate transfer tax is dedicated to the Natural Areas Acquisition Fund and used for both acquisition and stewardship costs under NAAP. The Fund receives approximately \$4 million annually. NAAP and its funding mechanism are authorized by the Natural Areas Preservation Act of 1963, as amended, and a provision of the Affordable Housing Act of 1989, respectively.

NAAP operates autonomously or in coordination with the preservation and restoration efforts of other entities, including Federal agencies and nonprofit organizations. For example, NAAP's Cash River Project is a 60,000 acre wetland acquisition and protection effort in the southern region of the state. Through NAAP, the IDOC is purchasing 20,000 acres, while the U.S. Fish and Wildlife Service, The Nature Conservancy, and Ducks Unlimited are each purchasing areas totaling 40,000 acres. Each entity is also contributing resources toward restoration of the area to its original bottomland hardwood wetland state.

### **Scope of Program Activities**

Under NAAP, the Natural Heritage Division takes responsibility for the following activities by providing appropriate staff or contracting with independent entities where scope and expertise warrant such a necessity:

- Selection of acquisition areas and restoration or enhancement projects
- Project planning, design and development
- Project construction (usually in-house for relatively small restoration or enhancement projects, otherwise the Natural Heritage Division hires and oversees private contractors)
- Development and implementation of a 3-year management schedule
- Monitoring by Natural Heritage Division biologists

### **Point of Contact**

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## **LOUISIANA COASTAL WETLANDS CONSERVATION AND RESTORATION PROGRAM**

### **Purpose**

The Louisiana Coastal Wetlands Conservation and Restoration Program (CWCRP) encompasses a comprehensive planning effort to restore, preserve, and enhance the state's coastal wetlands through a coordinated funding and implementation effort of Federal, state, local, and nonprofit entities. This program began as an independent state initiative in 1989 whereby a task force submitted an annual plan to the state legislature for approval and implemented wetland restoration projects according to the plan, using state resources and funding. Subsequent Federal legislation modified the program by providing Federal cost-share funding and technical support, thus expanding the scope and number of coastal wetland restoration projects undertaken in Louisiana.

### **Administration and Implementation**

The Coastal Restoration Division (CRD) of the Louisiana Department of Natural Resources (DNR) is the lead administering agency for CWCRP. The CWCRP is distinct from the Louisiana Coastal Zone Management Program, which is administered by the DNR's Coastal Management Division. The following sections summarize the state and Federal efforts to restore coastal wetlands in Louisiana.

### State Coastal Wetlands Conservation and Restoration Plans

CWCRP began in 1990, when state task force Wetlands Conservation and Restoration Authority developed and submitted to the legislature its first coastal wetlands conservation and restoration plan. This plan included a list of projects and programs vital to the conservation and restoration of coastal wetlands an implementation schedule for each project or program, the rationale for incorporation of each project, and a priority ranking of projects. After the plan was approved by the state legislature, the DNR began implementation of projects based on their priority rank. While cost-sharing from local parishes, nonprofit organizations and landowners is not required under the state program, those projects with a cost-share element receive a higher priority ranking. Monies from the newly established Wetlands Conservation and Restoration Fund were used to implement the plan. This process was repeated for FY 1991.

Act 6 of the Second Extraordinary Session of the 1989 Louisiana Legislature (revised Statute 48, Sections 213 and 214) created the Wetlands Conservation and Restoration Authority and the dedicated Wetlands Conservation and Restoration Fund. Annually, the Fund receives the first \$5 million of state mineral revenues, and a percentage of subsequent revenues, with the total not to exceed \$25 million. A state constitutional provision maintains the integrity of the Wetlands Conservation and Restoration Fund.

### Federal Coastal Wetlands Restoration Plans

The Coastal Wetlands Planning, Protection and Restoration Act of 1990 (the Breaux-Johnson Act) established a Federal-state task force to develop annual coastal wetlands restoration plans for Louisiana similar to those developed by the state task force. The Federal-state task force is comprised of Louisiana's Executive Assistant of Coastal Activities (also on the state task force) and representatives of five Federal agencies: the National Marine Fisheries Service, Fish and Wildlife Service, Environmental Protection Agency, Soil Conservation Service, and Corps of Engineers. The 1990 Act also authorized five years of Federal funding, \$30 million annually, to be used for cost-sharing 75 percent of coastal wetland restoration projects in Louisiana. The Act does not stipulate who cost-share partners may be, only that partners must fund at least 25 percent of project costs. The Louisiana DNR is the most prominent cost-share partner, given the size and scope of its existing program and funding authority.

Louisiana's DNR participates in the development of the Federal-state task force plan submitted to Congress for approval. DNR input is essential because they are the primary cost-share partner. The 1990 Act provided the state \$1 million for its participation in an advisory capacity.

### **Eligibility**

Louisiana has monitored land loss trends since 1956. These data and associated studies in 14 Louisiana estuaries dictate the inclusion of coastal wetland restoration projects in annual plans. The majority of projects proposed and implemented are on private land and 85 percent of Louisiana's coastal wetlands are privately owned.

### **Scope of Program Activities**

Currently, the state task force plan submitted to the state legislature is similar to the Federal-state plan with additional projects proposed for exclusive state funding. Projects ultimately implemented are therefore

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either approved by both Congress and the Louisiana legislature and cost-shared, or approved only by the Louisiana legislature and funded solely by the state, with possible cost-share contributions from local parishes, nonprofit organizations, or landowners.

Primary parties responsible for activities associated with developing and implementing the plans are identified in the matrix below.

<b>Program Activity</b>	<b>State Plan Primary Parties Involved</b>	<b>Federal-State Plan Primary Parties Involved</b>
Project prioritization	State Task Force (LA Wetlands Conservation and Restoration Authority)	Federal-state Task Force
Site selection	LA legislature/DNR	U.S. Congress/ LA DNR (indirectly)
Project plan development, design, construction	LA DNR	LA DNR and local representatives of Federal agencies
Operation and maintenance, and long-term management	Negotiated -- among LA DNR, local parish, and landowner	Negotiated -- among Federal agency involved and LA DNR
Monitoring	LA DNR staff	Negotiated -- among Federal agency involved and LA DNR; responsibility usually lies with FWS and LA DNR
Cost-share	Elective -- pursuant to discretion of LA DNR	Mandatory; 75 % Federal and 25 % cost-share partner
Technical assistance	LA DNR	LA DNR and local representatives of Federal agencies

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## **MICHIGAN COASTAL ZONE MANAGEMENT PROGRAM**

### **Purpose**

The purpose of the Federal Coastal Zone Management Act (CZMA) of 1972 is to restore or enhance the resources of the Nation's coastal zone. As the administrator of this effort, the National Oceanic and Atmospheric Administration (NOAA) provides grants and guidance to participating states in developing comprehensive management programs, and allows them to manage approved programs with technical and financial assistance from the Federal government (see profile of Coastal Zone Management Program). Michigan's Coastal Zone Management (CZM) program was first approved in 1974. Michigan passes through a substantial portion of its Federal grant to local communities for restoration of lost or damaged ecosystems, protection of sensitive coastal resources, preservation and restoration of historic coastal features, and improved public access.

### **Administration and Implementation**

The CZM program is administered by the Michigan Department of Natural Resources (DNR), Land and Water Management Division. The Division has three key functions: (1) to regulate the state's coastal zone resources through enforcement of six core statutes; (2) to issue grants and lend technical assistance to units of local government interested in developing partnership programs; and (3) to review all Federal activities to make sure they are consistent with state programs.

Grants to local governments are awarded through a solicitation and bid process coordinated by the Land and Water Management Division. The DNR reviews submitted applications and sends its recommendations to NOAA, who, in turn, funds approved projects. Grant applications are evaluated based on the following criteria:

- The project/activity is within coastal boundaries
- The project/activity meets the objectives of the CZMA
- The project/activity is in accordance with Michigan statutes
- The land on which the project/activity will be performed is owned by a public entity

Grant recipients are required to provide at least a 50 percent match. Similarly, the state matches the portion of Federal funds that it retains for administration of the CZM program. Matching funds may be contributed from nonprofit organizations and may take the form of in-kind services.

The six core state statutes that the DNR enforces under its CZM program include: the Great Lakes Submerged Lands Act (1955); the Shorelands Protection and Management Act (1970); the Inland Lakes and Streams Act (1972); the Sand Dunes Protection Management Act (1976, amended in 1989); the Great Lakes Underwater Salvage and Preserve Act (1988); and the Goemaere-Anderson Wetland Protection Act (1979).



## ***Profiles of Selected Wetland Restoration Programs***

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### **Eligibility**

Parties eligible to receive grants include coastal units of local government (approximately 300 cities, counties, villages and townships), area-wide agencies including regional planning agencies, state agencies, universities, school districts, and tribal governments.

The types of coastal projects eligible for funding include site design, planning and engineering for recreational sites and waterfront redevelopment, studies for protection of coastal resources, restoration construction of historic coastal structures, and other coastal-related construction or demolition.

### **Scope of Program Activities**

Prioritization and selection of all projects/activities are determined by Michigan DNR and NOAA. For design and construction projects, the following activities are performed by the DNR or the grant recipient as listed below:

- Project plan development, design, construction, and operation and maintenance (grant recipient, and DNR to the extent that the project/activity is regulated)
- Technical assistance (DNR)
- Long-term management (grant recipient)
- Monitoring/annual review (DNR)

### **Point of Contact**

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## **MINNESOTA RIM RESERVE WETLANDS RESTORATION PROGRAM**

### **Purpose**

Under the Reinvest in Minnesota (RIM) Reserve Wetlands Restoration Program, permanent easements on previously drained wetlands are purchased from private landowners and restored to their original hydrological condition. The program supports the Prairie Pothole Joint Venture effort under the North American Waterfowl Management Plan (see profile of North American Waterfowl Management Plan), but is an independent state initiative.

## **Administration and Implementation**

The Minnesota Board of Water and Soil Resources (BWSR) coordinates the administration of the RIM Reserve Program through the state's 91 Soil and Water Conservation Districts (SWCDs). SWCDs accept enrollment applications from private landowners and submit a prioritized list to the BWSR. BWSR then prioritizes applications statewide and purchases permanent easements directly from those landowners whose offerings receive the highest ranking statewide. Criteria used in evaluating applications include technical and administrative feasibility to complete restoration, and the cost of restoration on easement property.

Enrollment of drained wetlands in the RIM Reserve Program through perpetual easements restricts agricultural use and requires the landowner to establish permanent vegetative cover. BWSR provides funding, technical assistance, personnel training, and oversight to SWCDs to implement additional restoration activities on easement properties. One-time easement payments to the landowner are related to the estimated market value of land in the township.

The RIM Reserve Program was established under the Reinvest in Minnesota Act of 1986 to retire certain fragile private lands from agricultural use and convert them to permanent vegetative cover for enhanced wildlife habitat. In 1987, the state legislature amended the RIM Reserve Program to allow drained wetlands to be eligible for enrollment in the program. Annual state bond funds support acquisition of easements. Administrative and restoration activities are funded through general revenues and interest earned from the newly established Environmental and Natural Resources Trust Fund, which derives revenues from the state lottery.

## **Eligibility**

To be eligible, a wetland must be a minimum of one acre, privately owned, and restorable. In addition, up to four acres of upland may be enrolled for each acre of wetland.

## **Scope of Program Activities**

The RIM Reserve Wetlands Restoration Program provides for a broad scope of activities, performed by the BWSR, SWCDs, and the private landowner. Those activities and the parties with principal responsibility are listed below:

- Project prioritization (BWSR and SWCD)
- Site selection and easement purchase (BWSR)
- Restoration plan development, design, construction, operation and maintenance, and monitoring (SWCD and landowner)
- Long-term management (landowner)

**Point of Contact**

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**NEBRASKA PRIVATE LANDS WETLANDS INITIATIVE**

**Purpose**

Under the Nebraska Private Lands Wetlands Initiative, the Nebraska Game and Parks Commission (NGPC) conducts two primary activities: (1) accomplishes wetlands restoration, creation, and enhancement activities on private lands and (2) offers one-time bonus payments to landowners for enrolling their land in the Federal Water Bank Program administered by the U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS). Although the initiative is state-wide in scope, its efforts are focused in the Rainwater Basin Joint Venture area, constituting part of Nebraska's effort toward achieving the goals of the North American Waterfowl Management Plan (see profile of the North American Waterfowl Management Plan).

**Administration and Implementation**

NGPC administers the Private Lands Wetlands Initiative with technical assistance from two agencies under the U.S. Department of Agriculture: the Soil Conservation Service (SCS) and the Fish and Wildlife Services (FWS). The first primary activity under the Initiative entails identifying private lands with potential for wetland restoration, creation, or enhancement using geographic information system (GIS) technologies. Identification of opportunities on private lands for this initiative coincides with NGPC's broader efforts to target tracts of land for acquisition. NGPC provides technical assistance to landowners in identifying project opportunities and then offers to contribute up to 100 percent of implementation costs.

Contract agreements between the NGPC and landowners are for varying lengths of time depending upon the length and nature of activities. Typically, agreements are for a minimum of ten years, during which time the landowner agrees not to remove, debase, or diminish the effectiveness of the project.

The second primary activity is NGPC's offer of a one-time bonus payment to qualified landowners for enrollment of their property in the Federal Water Bank Program administered by ASCS. The one-time payment is made at the time of enrollment and is equal to approximately the same amount as the annual payments made by ASCS. ASCS payments are based on the number of wetland and upland acres enrolled in the program. Nebraska also provides a monetary incentive to landowners for protection of wetlands that are not enrolled in the Federal Water Bank Program under its Wildlife Habitat Improvement Program (WHIP), which is similar to the Federal Water Bank Program.

The Private Lands Wetlands Initiative is funded through the state's Habitat Fund which was established by the state legislature in 1976. The Habitat Fund receives revenues from the state habitat stamp and a voluntary waterfowl stamp. The Initiative itself was established internally by NGPC in 1991.

### **Eligibility**

Interested landowners are encouraged to contact NGPC. However, state biologists also contact landowners that have sites with high restoration or enhancement potential.

### **Scope of Program Activities**

The scope of activities performed, or contracted for, by NGPC may include project prioritization and selection, project plan, design and construction, operation and maintenance, long-term management, and monitoring and tracking activities using FWS tracking software.

### **Point of Contact**

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## **OREGON GOVERNOR'S WATERSHED ENHANCEMENT BOARD GRANTS**

### **Purpose**

The Oregon Governor's Watershed Enhancement Board (GWEB) awards small grants to Soil and Water Conservation Districts and major grants to other entities to implement watershed restoration, maintenance and/or enhancement projects in the state. Projects that have received GWEB grant funding include wetland restoration, erosion control, grazing management, public education, streambank stabilization, and upland revegetation.

### **Administration and Implementation**

The GWEB solely administers a major grant program that provides funding support to any entity proposing a watershed enhancement project. GWEB has entrusted the Oregon Department of Agriculture to administer a small grant program, reserved for local Soil and Water Conservation Districts (SWCDs).

## ***Profiles of Selected Wetland Restoration Programs***

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For the major grant program, applications are submitted by a variety of entities (landowners, civic groups, public agencies, businesses, SWCDs) to GWEB and evaluated based on their consistency with statutory guidelines under which the program was established. Qualifying applications are reviewed by two committees (technical advisory and education) and ranked according to the guidelines. The two committees arrive at a joint ranking before making their final recommendation to GWEB, which ultimately determines the projects that will receive funding. The criteria used to evaluate and rank proposed projects include, but is not limited to, the following:

- The project will contribute to the overall objective of watershed enhancement by improving the biological, chemical, and physical integrity of riparian zones, wetlands, and associated uplands
- The project promotes, through sound watershed management, public awareness/education of watershed enhancement benefits
- The project encourages private individuals, organizations, volunteers, and state and Federal agencies to work jointly to conduct watershed enhancement activities
- Funding sources other than GWEB grant
- The project adds to an integrated watershed management plan
- The project provides for monitoring, maintenance, and long-term management

A portion of GWEB's grant funds is reserved for small grants to local SWCDs. Applications for small grants are accepted and reviewed by Oregon Department of Agriculture's Department of Natural Resources (DNR). The DNR uses a similar, separate set of criteria for evaluating proposals before making recommendations to the GWEB.

GWEB is comprised of Governor appointees to five state entities: the Environmental Quality Commission, the Water Resources Commission, the Fish and Wildlife Commission, the Board of Forestry, and the Soil and Water Conservation Commission, and representatives of Federal agencies: Soil Conservation Service, Forest Service, and Bureau of Land Management.

The GWEB and the grant program were established under Senate Bill #23 of the 1987 state legislature (Oregon Revised Statutes 541.350 - 541.395). The program is funded on a biennial basis from state lottery revenues. The funding source is not secured by law and is contingent upon decisions of the legislature's Trade and Economic Development Committee, which determines the distribution of lottery revenues.

### **Point of Contact**

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Oregon Governor's Watershed Enhancement Board  
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**MATCHING AID TO RESTORE STATES HABITAT (MARSH):  
DUCKS UNLIMITED**

**Purpose**

MARSH (Matching Aid to Restore States Habitat) is a cost-share program whereby Ducks Unlimited (DU) partially reimburses cooperating agencies/organizations (cooperators) for the cost of activities to develop, restore, preserve and maintain waterfowl/wetland habitat in the United States. MARSH project funding is contingent upon the income from DU's grassroots fund-raising efforts within each state. In addition to the MARSH program, DU sponsors two programs with similar objectives: Habitat USA and the Private Lands Program.

**MARSH Administration and Implementation**

MARSH project proposals are accepted by program coordinators in three DU regional offices (Bismarck, ND; Sacramento, CA; and Jackson, MI) and two program offices (Bedford, NH; and Eagan, MN). Project proposals are evaluated based on the following criteria:

- Biological soundness
- Support for the North American Waterfowl Management Plan (see profile of North American Waterfowl Management Plan)
- Benefits beyond waterfowl habitat protection and enhancement (i.e., public visibility)
- Ratio of cost to benefit
- Endorsement of DU state volunteers
- Amount of funds in the respective state's MARSH account

Project proposals with the highest ranking are submitted to DU national headquarters, Memphis, TN, for approval by the Director of Habitat Development. Site-specific agreements are developed for approved projects and signed by all parties, stipulating the fiscal obligations of cooperators and DU. DU typically funds up to 50 percent of project costs, excluding salaries, or benefits of cooperators and their employees. Projects requiring more than 50 percent funding from DU require approval by DU's Conservation Programs Committee.

Upon completion of a MARSH project, the cooperator is reimbursed in accordance with the terms of the site-specific agreement. Under certain circumstances, DU may make direct payments to contractors hired by the cooperator. DU also offers its in-house engineering and biology staff to design and develop projects. In some cases, associated costs are charged to the respective state's general MARSH account.

The amount of money available to fund MARSH cost-share projects in each state is based on 7.5 percent of the sum of DU's grassroots fund-raising income within that state, plus any unused money from the previous year, since MARSH funds are cumulative. State agencies contributing to DU may request that those funds be reserved for work with the state wildlife agency on a "no match basis." Louisiana's

## ***Profiles of Selected Wetland Restoration Programs***

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Department of Wildlife and Fisheries, for example, receives "no match" MARSH funds because a portion of their license fees are contributed to DU.

The MARSH Program allows donors to target funds to specific projects through a sub-program -- the MARSH Donor Program. Through the MARSH Donor Program, DU receives contributions from individuals, corporations, foundations and other organizations to help fund specific projects in a state, as designated by the donor. MARSH Donor funds must come from sources other than DU fund-raising events or membership fees for categories below Life Sponsor. Funds contributed by §404 permittees for particular mitigation activities have been channeled through the MARSH Program in at least one state (Michigan), although such contributors are not granted MARSH Donor recognition.

In general, if a project would not normally be approved for the expenditure of MARSH funds, it will not be approved as a MARSH Donor project. Donor funds can be accepted for the following purposes:

- A completed MARSH project -- funds are credited to the state's MARSH account in the amount donated minus 20 percent for planning and control costs
- An approved MARSH project -- funds are held in an interest bearing escrow account, and eventually credited to the state's MARSH account minus planning and control costs
- For general use in a particular state with no specific project identified -- funds are credited to a state's MARSH account as they are received

### **MARSH Eligibility**

Projects eligible for MARSH funding generally include those that significantly benefit waterfowl, are on lands under control of a public agency (through ownership, lease, easement, or management agreements), and meet minimum cost-efficiency standards. Projects on lands under control of a private cooperator may be eligible if approved by DU's Conservation Programs Committee. Projects that lead to the permanent protection and/or restoration of waterfowl habitat under the North American Waterfowl Management Plan and those that protect and enhance other important waterfowl habitats receive first consideration. With respect to contributors, DU considers whether they are able to execute long-term habitat agreements, are capable of delivering and managing the projects proposed and willing to assume all liability associated with the project.

### **Scope of MARSH Program Activities**

Since the MARSH program most often supports state agency initiatives, program activities vary substantially among the states. Generally, the following activities are elements of state MARSH programs:

- Project prioritization and site selection (contributor and MARSH coordinator)
- Project plan development, design, and construction (contributor or DU engineers)
- Operation and maintenance, long-term management, and monitoring (contributor)

### **Additional DU Programs**

**Habitat USA.** Staffed by wildlife biologists and engineers, DU's regional offices carry out the "hands-on" work of restoring and creating wetlands, and improving nesting habitat on uplands. Projects proposed by public or private agencies, organizations, and landowners are constructed with general operating funds. The regional office's bio-engineering expertise is also offered to agencies for "turnkey" project construction. DU will also evaluate, survey, design, and construct projects for agencies at their expense, subject to the availability of staff time.

**Private Lands Program.** Seventy-four percent of the remaining wetlands in the continental U.S. are located on privately owned land. Under its Private Lands Program, DU, through the regional offices, works with ranchers, farmers, and corporate and individual landowners to restore wetlands and advise landowners on management practices that benefit waterfowl and other wildlife. For example, the Louisiana waterfowl project involves a cooperative effort between DU, the Louisiana Department of Wildlife and Fisheries, the U.S. Soil Conservation Service, and several oil companies to construct wetlands on private lands. The project entails construction of water control structures using pipe casings donated by the oil companies. DU provided funding for the transportation of casings and personnel for construction of the water control structures. Project personnel are partially funded by grants under the North American Wetlands Conservation Act.

#### **Point of Contact**

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Memphis, TN 38120-2351  
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## **FISHAMERICA FOUNDATION**

### **Purpose**

The FishAmerica Foundation funds action-oriented projects aimed at improving fish stocks, habitat, and water quality. Foundation grants are typically awarded to nonprofit organizations with 501(c)(3) status.

### **Administration and Implementation**

Grant applications are received by the Foundation's national headquarters in Washington D.C. A 16-member Board of Directors (composed of business executives, fisheries scientists, and outdoor media representatives) evaluates proposed projects and makes final grant determinations based on two broad criteria: fish habitat improvement potential, and water quality improvement potential. Grant decisions are



## ***Profiles of Selected Wetland Restoration Programs***

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also contingent upon the applicant's proposed plan to measure the project's effectiveness. Grant recipients are reimbursed for project costs after submission of receipts, rather than receiving advanced funding.

Generally, projects are funded on a first come, first served basis provided that they meet the broad criteria of the Foundation's goals. The Foundation may adopt a practice of prioritizing applications due to the large backlog that has accumulated. All projects must have the endorsement of the relevant state and/or Federal natural resource management agency.

The Foundation receives the majority of its funds directly from fishing tackle and boating manufacturers, and major retailers. The Foundation occasionally receives special grants from Federal agencies (i.e., the U.S. Fish and Wildlife Service) and industry associations (i.e., the American Fishing Tackle Manufacturers Association). Funds are contributed to the Foundation under a variety of scenarios, for example, as an up-front lump sum for general program funding or on a restricted basis for specific types of projects. Contributions are managed by the Foundation itself on an annual donation basis; grants are awarded as funds become available.

### **Eligibility**

The Foundation funds projects primarily at the local level. Typically, funds go to nonprofit organizations with 501(c)(3) status, although government agencies are also eligible. Government agencies often receive funds for challenge cost-share projects with local groups.

### **Scope of Program Activities**

The following activities, performed by either the Foundation and/or the grant recipient, are supported through the FishAmerica Foundation grant program:

- Project selection (grant recipient and Foundation)
- Project development, design, construction, operation and maintenance, long-term management, and periodic reporting (grant recipient)

The Foundation expressly prohibits the use of grant funds for land acquisition, public access projects, general overhead expenses, and non-specialized labor.

### **Point of Contact**

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**SAVE OUR STREAMS:  
IZAAK WALTON LEAGUE OF AMERICA**

**Purpose**

The Save Our Streams (SOS) Program of the Izaak Walton League of America is a national hands-on program that teaches people how to protect their rivers and streams through advocacy, water quality monitoring, restoration, land use planning and education. The SOS Program was established in 1969.

**Administration and Implementation**

Originally, SOS was established to assist individuals concerned with preserving streamwaters by educating them on monitoring techniques through hands-on demonstrations, technical assistance and literature. The scope of the program has expanded to include habitat restoration of all waterbody types, including wetlands. In developing restoration manuals, the League conducts pilot projects to ensure the effectiveness of their technical literature. The program also provides environmental education curricula to schools.

Through the SOS Program, the League also maintains a database of water quality protection projects and programs across the country. The database, called MONITORS, currently contains about 5,000 projects that involve work on wetlands, rivers, estuaries and oceans.

The SOS Program is funded through a variety of sources, including grants from government agencies and other foundations, and private corporations. These funds are separate from the Izaak Walton League of America Endowment, which is controlled by a somewhat autonomous Board of Directors (nine League members each serving 3-year terms). Interest from the Endowment primarily funds state and local League chapters, rather than programs that are initiated by the League's national headquarters, such as SOS.

**Scope of Program Activities**

The primary function of the League under the SOS Program is the provision of technical assistance through hands-on restoration work and manuals, and workshops on watershed inventory and water quality monitoring. However, the program also facilitates a number of other activities, including:

- Project prioritization and site selection (through the MONITORS database)
- Project plan development and design
- Project construction

### **Point of Contact**

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## **NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS**

### **Purpose**

The National Fish and Wildlife Foundation awards grants to public and private entities for projects that protect fish and wildlife resources in North America. The Foundation's mission is to harness the public and private sectors to invest in fish, wildlife and plant conservation. Grant funds must be matched by non-Federal funds from a party other than the grant recipient.

### **Administration and Implementation**

The National Fish and Wildlife Foundation, a national nonprofit organization, is authorized to match non-Federal funds with Federal funds and distribute them to public and private entities for fish and wildlife conservation projects. Foundation projects fall into one of five categories: wetlands and private lands, fisheries, conservation education, neo-tropical migratory birds, and general projects.

Project applications are submitted to the Foundation annually (the deadline is December 15th) and sent out for independent review by various entities with appropriate expertise. An application may go through several revisions. A slate of projects is then presented to the Foundation's Board of Directors for approval. Projects for which grant applicants have not yet secured non-Federal matching funds may be approved if the Foundation is confident that a grant recipient can raise the funds within one year -- the time frame that grant funds are available to approved applicants.

Non-Federal funds for an approved project are sent directly to the Foundation and deposited, along with the Foundation's agreed upon match, in an account that the grant recipient may draw from for one year. Non-Federal funds are matched as they are received by the Foundation. On occasion, the Foundation is used as a vehicle through which funds are channeled, with no match provided.

The Foundation was established by an act of Congress in 1984. The Foundation is authorized to receive up to \$25 million in annual appropriations. To date, however, it has received only \$5 million annually. All Federal funds received by the Foundation must be distributed as grants for projects. The Foundation solicits contributions through fund-raising efforts and its Board of Directors to support administrative operations.

To date, the Foundation has awarded 665 grants, totaling more than \$80 million in non-Federal and Federal matching funds combined. The cumulative Federal share is approximately \$25 million. The average ratio of non-Federal to Federal matching funds is 2:1.

### **Eligibility**

Grants are available to public and private entities. While a substantial proportion of recipients are state natural resource or fish and wildlife agencies, several private grass roots organizations have also received funding.

### **Scope of Program Activities**

The Foundation staff prioritizes projects before forwarding them to the Board of Directors for approval (selection criteria vary widely depending upon the nature of the project). The Board ultimately selects the projects to receive Federal funding.

In selecting projects, the Board of Directors approves specific components for funding. Typically, approved projects provide for the following activities to be conducted by the grant recipient:

- Project plan development
- Project design and construction
- Operation and maintenance, and long-term management (if applicable)
- Monitoring

### **Point of Contact**

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National Fish and Wildlife Foundation  
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**THE NATURE CONSERVANCY**

### **Purpose**

The Nature Conservancy (TNC), an international nonprofit organization, strives to protect and enhance natural resources and species habitats globally. TNC concentrates its efforts in areas known to harbor endangered communities, of both plant and animal species, or that have conditions imperative to the survival of such communities.

## **Administration and Implementation**

TNC's international headquarters in Arlington, Virginia, provides overall direction for the organization, stipulating general policy and guidelines for regional, state, and foreign offices. The headquarters office also coordinates large-scale fund-raising efforts and receives substantial monetary donations and land contributions from individuals and corporations.

State Nature Conservancies (field offices) throughout the country operate somewhat autonomously, with some oversight from four regional offices. Each State Nature Conservancy engages in fundraising to support their operational and acquisition activities. Some field offices also receive funds from the TNC's headquarters based on their size and fundraising capabilities. The California Nature Conservancy is one field office that receives little financial support from headquarters because it is supported so strongly by a large pool of individual and corporate donors.

While few State Nature Conservancies have a wetlands program per se, many are involved in wetlands restoration and enhancement efforts on a project-by-project basis. State Nature Conservancies determine how they would like to spend their funds (e.g., restoration projects, land acquisition) and send a proposed expenditure report quarterly to the National Board of Governors for approval.

Several State Nature Conservancies have received contributions for specific projects to fulfill Federal and state wetlands mitigation requirements. Examples of State Nature Conservancies that have received funds from §404 permittees to fulfill compensatory mitigation requirements include the Louisiana Nature Conservancy and the Arkansas Nature Conservancy for wetland purchase/preservation and purchase/enhancement, respectively.

## **Scope of Program Activities**

A State Nature Conservancy's involvement in wetlands restoration may include the following activities:

- Conducting management, restoration and enhancement activities on Conservancy-owned preserves
- Purchasing additional Conservancy preserve land for future management, restoration, or enhancement
- Purchasing conservation easements
- Entering into management agreements with landowners and performing management, restoration, or enhancement activities accordingly
- Purchasing land on behalf of Federal and state land management agencies

## **Point of Contact**

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The Nature Conservancy  
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## **WATERFOWL USA**

### **Purpose**

Waterfowl USA (WUSA), a national nonprofit organization, is a conservation organization dedicated to the preservation and restoration of waterfowl populations and wetland habitats within the United States. Specific goals vary among local WUSA chapters, according to local concerns and circumstances.

### **Administration and Implementation**

WUSA has a centralized national office that provides direction to existing local chapters, promotes establishment of new chapters, and coordinates the distribution of funds to chapters. There are 90 local chapters in 36 states.

WUSA receives most of its contributions from grassroots fund-raising events (i.e., banquets, auctions), from which funds are contributed directly to the national office. Sixty percent of grassroots funds are returned to chapters to be used within their jurisdiction. Twenty percent of funds are distributed to states where money was raised to initiate the establishment of new chapters. The remaining twenty percent of grassroots funds are used for administration expenses. Corporate sponsorship contributions are used to fund annual national functions.

WUSA has signed cooperative agreements with the U.S. Fish and Wildlife Service (FWS) Regions 3 and 5, and anticipates signing a similar agreement with Region 4 in the near future. These agreements develop an avenue of cooperation that enables WUSA's local chapters to work with the FWS on wetland habitat projects.

### **Scope of Program Activities**

The WUSA national office provides general guidelines regarding the operation and use of funds by local chapters. Projects or programs supported by WUSA funds must directly benefit wetlands and/or waterfowl, such that the general public benefits rather than private entities. Beyond adherence to this general principle, each chapter varies in how funds are spent. Activities that chapters have engaged in include:

- Purchase and preservation of existing pristine wetlands
- Purchase and enhancement of degraded wetlands
- Purchase of equipment to supply state agencies in support of wetland restoration or enhancement programs
- Technical assistance to natural resource and fish and game agencies
- Purchase of wetlands and conveyance to a public entity for management

*Profiles of Selected Wetland  
Restoration Programs*

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**Point of Contact**

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## 5. POTENTIAL TO FACILITATE COMPENSATORY MITIGATION

This chapter explores the relevance of certain wetland program activities and characteristics to compensatory mitigation requirements, identifies some of the benefits of arrangements that utilize these programs, and briefly summarizes how such programs could potentially accommodate compensatory mitigation. In developing the inventory of wetland programs presented in Chapter 3, programs were selected using criteria that indicate how ready a program is to facilitate wetland restoration, creation or enhancement (see Chapter 2). Based primarily on these criteria, wetland program activities and characteristics were used to help organize the conclusions. The following categories of activities are used in this discussion:

- (1) Funding source (e.g., cost-share funds or voluntary contributions)
- (2) Site acquisition
- (3) Project prioritization or site selection
- (4) Project plan development and design
- (5) Wetland project construction
- (6) Long-term management/operation and maintenance

Although these categories are useful for the purpose of making the exploratory conclusions presented in this chapter, they are not mutually exclusive. Some programs involve a broader range of activities than others, for example, a program may be supported by cost-share contributions, involve a systematic means of project prioritization, and provide for long-term management. Other programs may embody only one of these activities. The summary tables 1B,

2B, and 3B in Chapter 3 will assist the reader in identifying those programs in the inventory that involve these activities. The conclusions presented in the sections below do not identify or make recommendations about specific programs.

### Funding Source

Programs supported by cost-share funds or voluntary contributions appear to be more likely candidates to accommodate to compensatory mitigation than those funded solely by direct appropriations because of restrictions that frequently exist in the budgeting processes associated with programmatic funds. As indicated earlier, fees should not be applied to public programs already planned or in-place, unless they expand the effort by some identifiable increment. Any use of compensation fees in these programs should be supplemental to these public programs. Programs supported by "external funds" from cost-sharing or voluntary contributions involve at least two parties: the lead agency/organization and a program participant. Cost-share programs are typically structured such that the participant is required to contribute matching funds and/or in-kind services to a project to supplement the lead agency/organization's contribution. Although unusual, some programs accept funds from third-party sources (i.e., conservation organizations, public programs), which are matched by the lead/agency organization before the total amount is conveyed to a program participant.

Among the programs supported by cost-share funds, there is a wide range of requirements in terms of minimum percentage of participant contribution, what constitutes an acceptable matching contribution (i.e., monetary, in-kind



## ***Potential to Facilitate Compensatory Mitigation***

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services), and what activities can be funded by the lead agency/organization (i.e., project plan development and design, project construction, or land acquisition). For programs supported by voluntary contributions, the lead agency/organization may pool donated funds to support specific projects or activities.

### **Flow of Funds**

The flow of funds under the cost-share programs inventoried in this study generally occurs under one of three scenarios: lead agency/organization reimbursement, lead agency/organization up-front contribution, or third party up-front contribution to lead agency/organization. Each scenario is described briefly below.

#### **Lead agency/organization reimbursement.**

The program participant undertakes the project using their own funds and is reimbursed by the lead agency/organization for a previously agreed upon amount or percentage of the project cost.

**Lead agency/organization up-front contribution.** The lead agency/organization contributes cost-share funds or resources up-front to the participant to undertake a project or operate a program. The amount of this contribution is based on previously estimated cost and resource requirements.

**Third party up-front contribution to lead agency/organization.** The lead agency/organization requires the participant to secure contributions from a third party source(s) to fulfill their matching requirement. The third party makes monetary contributions to the lead agency/organization, which in turn matches the contribution before conveying the total amount to the participant. Conveyance of total funds may be incremental as third party contributions are made.

### **Relevance to Compensatory Mitigation**

Programs supported by cost-share funds or voluntary contributions could benefit from fee-based compensatory mitigation to the extent that both lead agency/organization and participant funds are often insufficient to meet existing needs (e.g. project backlogs often exist due to lack of funding). The primary advantage provided by programs supported by voluntary contributions is that they could pool compensatory mitigation fees to fund larger, and perhaps more ecologically successful, wetland projects. The major disadvantage is that programs supported by cost-share funds or voluntary contributions may not be able to complete the restoration work prior to, or in the same geographic area as the impacted wetlands. The advantages, disadvantages and feasibility of linking compensatory mitigation to cost-share programs are dependent upon a number of factors relating to whether the lead agency/organization or participant is the intended recipient of §404 compensatory mitigation fees.

**Lead agency/organization as recipient of compensatory mitigation fees.** Designating a lead agency/organization of a cost-share program as the recipient of §404 compensatory mitigation fees would allow a program to expand as potential participants would have access to a larger amount of funds. Selecting only a few eligible programs would centralize the contribution and disbursement of compensatory mitigation fees. If not properly structured, placing an intermediary between the §404 permittee and the entity performing restoration work may create delays. The feasibility of this arrangement is contingent upon establishing a mechanism to ensure that a §404 permittee's contribution would fund a wetland restoration, creation or enhancement project that would adequately offset the associated wetland impacts and that would not have been undertaken in the absence of the contribution.

**Participant as recipient of compensatory mitigation fees.** Allowing a program participant to receive §404 compensatory mitigation fees could also provide for the expansion of a program to the extent such arrangements would enable a greater number of participants to benefit from additional monetary resources. However, it is unlikely that a program participant would receive compensatory mitigation fees directly due to the potential for administrative problems and concerns over accountability. It would be difficult for the regulatory agency and a program's lead agency/organization to target funds to priority wetlands needs if §404 permittees contributed compensatory mitigation fees directly to program participants.

#### **Site Acquisition**

Site acquisition may be an independent program activity or coordinated with other land management activities, including wetland restoration, creation, or enhancement. Although the discussion below focuses on acquisition through cash purchase, wetlands acquisition also occurs through donations of land with no transfer of funds.

Acquisition programs generally fall into one of three categories:

- Fee-title acquisition (purchase of all rights to the land, usually at the full market value of the property),
- Permanent easement acquisition (purchase of specified rights to restrict particular activities on the land, which remain with the land in perpetuity even if the title to remaining rights is sold), and
- Temporary easement acquisition (purchase of rights to restrict particular activities on the land for a defined period of time, which remain with the land for

the duration stipulated even if the title to remaining rights is sold).

A lead agency/organization engaging in site acquisition typically falls under one of three categories: public resource management agencies, quasi-public entities, and private nonprofit organizations. Public resource management agencies generally engage in site acquisition activities to expand their land or resource inventory in an effort to further their mission. Quasi-public entities act as land purchasing agents for one or more public agencies, often acting on behalf of the agency to support a particular initiative. Private nonprofit organizations, such as conservation groups, engage in site acquisition activities either to steward the land in accordance with their own goals and objectives, or to convey the land (by sale or donation) to public agencies or other nonprofit organizations.

#### **Relevance to Compensatory Mitigation**

Opportunities to link compensatory mitigation to acquisition programs are somewhat contingent upon the other activities funded or provided for by the program. If an acquisition program also supports management activities that facilitate wetland restoration, creation, or enhancement, there is greater opportunity to link it to compensatory mitigation.

Programs that only provide for acquisition, or acquisition with minimal management, may not be as appropriate because acquisition of land, with no attempt to enhance or restore the resource through human efforts, does not constitute compensation for adverse wetland impacts. Some degraded wetlands, however, have the capacity to revitalize themselves naturally over time solely as a result of restricting certain activities on the land. For example, easement acquisition programs that restrict agricultural practices may allow wetland restoration with minimal human effort. Such

## ***Potential to Facilitate Compensatory Mitigation***

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programs offer some potential as a cost-effective means of restoring wetlands, especially since a large percentage of degraded wetlands in the United States are on agricultural lands.

### **Project Prioritization or Site Selection**

To some extent, each lead agency/organization engages in site selection as part of their role as program administrator. Programs that support wetland restoration, creation, or enhancement on lands owned by the lead agency/organization require prioritization at some level within the agency/organization. Programs that support wetland activities on other lands also involve site selection by the lead agency/organization in terms of establishing eligibility requirements and, in some cases, actively identifying potential participants. In the latter case, where programs support wetland efforts on lands not owned by the lead agency/organization, the participant is also involved in site selection by initiating projects for particular sites through an application process.

A formal system of project prioritization is more likely to occur when funds and resources to implement projects or programs are limited. For purposes of this study, programs are considered to include project prioritization if the lead agency/organization uses an established set of criteria to evaluate eligible projects and ranks them accordingly; or the lead agency/organization evaluates eligible projects and selects among them on the basis of their potential benefit or consistency with a clearly defined program mission. In some cases, the evaluation process reflects regional natural resource priorities (e.g., fish and wildlife habitat, or habitat for significant species). Programs are not considered to have a project prioritization process if they initiate projects on a first-come-first-served basis, select all projects that meet eligibility requirements, or evaluate projects on a case-by-case basis without regard to other competing projects.

### **Relevance to Compensatory Mitigation**

Programs that involve project prioritization and site selection activities by the lead agency/organization may be promising candidates to accommodate compensatory mitigation. Linking compensatory mitigation to programs with established prioritization criteria, especially if those criteria account for regional or other recognized wetland resource values, would assist in directing compensatory mitigation fees to the highest priority wetlands needs. Further, a program that prioritizes projects within a specific geographic area may facilitate conducting compensatory mitigation activities in close proximity to the wetlands impacted.

The advantage of linking these programs to compensatory mitigation ultimately may rest on the feasibility of developing a mechanism to coordinate compensatory mitigation efforts to respond to broader regional goals or advance planning, as opposed to compensatory mitigation on a project-by-project basis. It may be desirable to coordinate among programs to broaden the emphasis beyond migratory waterfowl habitat and expand the focus of wetland restoration efforts to protect or restore other wetland and watershed functions. To facilitate in-kind mitigation, it would be necessary to develop a system to evaluate and provide information on a permittee's §404 impact in terms of wetlands type, acreage, and wetlands functions and values. Finally, linking the site selection and project prioritization activities of wetland restoration programs to compensatory mitigation may also require coordination regarding the issue of timing the restoration effort to precede the compensated wetland losses/permitted wetland impacts.

### **Plan Development and Design**

Established guidelines for project plan development and design are essential for a program to accommodate compensatory mitigation. Although it is not necessary that

these activities be the responsibility of one entity, there must be some assurance that project planning and design will provide a blueprint for execution of all restoration, creation, or enhancement activities to ensure that compensatory mitigation is achieved successfully. Programs that involve project plan development and design offer valuable sources of technical expertise in conducting wetland projects for compensatory mitigation.

Most programs that support wetlands restoration, creation, or enhancement (except those that strictly provide for site acquisition) involve project plan development and design activities by one or more entities, including the lead agency/organization, the program participant, or third parties providing technical assistance. These activities are usually conducted in accordance with technical requirements of the lead agency/organization or a designated entity.

### **Wetland Project Construction**

Typically, programs that support project plan development and design also provide for project construction either by the lead agency/organization, the program participant, or third parties providing technical assistance. Project construction is the actual in-ground work to accomplish wetland restoration, enhancement, or creation. Programs that perform project construction offer obvious advantages for compensatory mitigation projects, however, several important issues would need to be addressed.

One important issue associated with allowing wetland programs to construct mitigation projects using §404 compensatory mitigation fees is the need for clearly assigned responsibility for monitoring and reporting on the success of restoration efforts. In addition, consideration should be given to some mechanism for ensuring accountability for taking corrective action if mitigation fails. The greater scientific

uncertainty associated with some types of wetland restoration and creation efforts may limit the type of project construction work that can be linked to compensatory mitigation. It should be noted, however, that technical problems exist and monitoring issues may arise for all wetland projects, whether they are undertaken for compensatory mitigation or for resource management objectives. Finally, if public funds are used for restoration on private lands, it may be necessary to address the issue of public access.

### **Long-term Management/Operation and Maintenance**

While it may usually be preferable to design wetland projects that minimize operation and maintenance or long-term management requirements, such requirements are often necessary to assure the sustained success of the projects. With this in mind, consideration should be given to the operation and maintenance and long-term management of all wetland projects, whether implemented for mitigation or resource stewardship objectives. The relationship between the lead agency/organization and the owner of land where wetland restoration, creation, or enhancement occurs dictates, to a certain extent, the nature of long-term management and operation and maintenance activities for a project. The various combinations of relationships between a lead agency/organization and landowner include:

<u>LEAD AGENCY/ ORGANIZATION</u>	<u>LANDOWNER</u>
Public Entity	Same Public Entity
Public Entity	Different Public Entity
Public Entity	Private Entity
Private non-profit	Same Private non-profit
Private non-profit	Different Private non-profit
Private non-profit	Public Entity

## ***Potential to Facilitate Compensatory Mitigation***

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### **Non-Lead Agency/Organization Owned Lands**

Programs that support activities on lands that are not owned by the lead agency/organization typically dictate more explicit requirements to ensure that the benefits of the lead agency/organization's funds or resources are maximized. However, this does not necessarily mean that such programs ensure better maintenance or stewardship over a longer time period, especially when lands are owned by a private entity. Examples of explicit program requirements that facilitate long-term management or operation and maintenance include easement acquisition programs that restrict specific activities on the land in perpetuity or over a stipulated time period; cost-share programs where participants agree to construct and maintain structures to facilitate wetlands restoration; and formal agreements between a landowner and a lead agency/organization that allow the latter to perform management activities that facilitate wetland restoration and ensure that the landowner agrees not to destroy or debase the project.

Compensatory mitigation projects constructed on private lands are most likely to experience problems due to insufficient management, unless the private landowner is provided adequate incentives. Many degraded wetlands in the United States are on agricultural lands that are privately owned. Linking wetland restoration programs for agricultural lands to compensatory mitigation will present special challenges as farm owners and operators will probably require incentives to take wetlands already converted to agricultural lands out of production.

### **Lead Agency/Organization Owned Lands**

Lead agency/organizations that provide for wetland restoration, creation, or enhancement activities on their own lands often have stewardship missions or policies and guidelines for the protection of their lands. Public agencies

and private nonprofit organizations, as stewards of their lands, may consider maintenance and long-term management requirements under individual programs or projects. Similarly, programs operated by private nonprofit organizations that support wetland restoration projects on publicly owned lands may also have stewardship responsibilities that help facilitate operation and maintenance or long-term management, if adequate funding is available. However, the stewardship mission and responsibility for operation and maintenance or long-term management activities, may not be adequately funded.

### **Relevance to Compensatory Mitigation**

Because a lead agency/organization may not necessarily have adequate funding to support long-term management, one benefit associated with linking wetland restoration programs to compensatory mitigation is the contribution of funds toward these expenses. Permits could be conditioned to allocate a portion of the mitigation fee to operation and maintenance, long-term management, and monitoring. Requirements could also be included for the purchase of easements, particularly permanent easements, that restrict particular activities (e.g., drainage, mowing, grazing).

Linking mitigation efforts to programs that provide operation and maintenance and long-term management provides some assurances that sustainable wetland projects will result. Programs that may offer the best opportunity include those where the lead agency/organization and landowner are the same entity (1 and 4 above); where the landowner is a public entity, regardless of the lead agency/organization (1, 2 and 6); and where the landowner is a private entity and the program provides for permanent easement acquisition (3 above, in certain cases). Temporary easements (e.g., for 10 or 20 years) may not be adequate to protect wetland functions and values.



## 6. CONCLUSIONS

Many of the wetland restoration programs reviewed in this report include more than one relevant program activity and characteristic needed for successful wetland project implementation and thus have the potential to accommodate some of the compensatory mitigation that may be required by activities regulated under §404 of the Clean Water Act. In order to do so, explicit arrangements should be developed for this purpose, either on an ad-hoc basis or programmatically. Those programs that appear to be the best candidates could tailor their programs to facilitate implementation of compensatory mitigation to the mutual benefit of both the lead/agency organization and the §404 permittee.

For the permittee, a primary advantage of arrangements to implement compensatory mitigation through existing resource management programs is the availability of the program's established technical expertise in planning, design, or construction of wetland projects. Projects implemented under qualified resource management programs may have the advantage of expertise that will better ensure a successful wetland project than a project implemented by permit applicant independently. Because a permit applicant may not always have the ability to recognize deficiencies in expertise, the regulatory authority could provide valuable assistance by identifying specific programs that implement projects with recognized technical expertise.

Programs that implement or facilitate wetland restoration, creation, or enhancement projects could also benefit from implementing compensatory mitigation. Programs supported by voluntary contributions or cost-share funds could coordinate the disbursement of

compensatory mitigation fees on a project-by-project basis. Under an alternative arrangement, potentially greater benefits could be achieved if such programs were designed and authorized to pool compensatory mitigation fees to fund larger, and perhaps more ecologically significant and successful, wetland projects. Those programs that include a project prioritization process (particularly if the process involves consideration of wetlands functions and regional priorities) may have backlogs of priority wetland projects that could be completed on a more timely basis by accepting and using compensatory mitigation fees.

Such arrangements can also be advantageous to the regulatory authority and the applicant by expediting the process once arrangements and conditions have been defined. A number of factors that will influence decisions concerning the use of fee-based mitigation are listed below:

- Fees that provide for a level of mitigation appropriate to compensate for wetland function and values being lost
- The timing of compensatory mitigation (i.e., whether, and under what circumstances, applicants should be required to coordinate and fund each program activity involved in completing a wetland project)
- The location of the wetland project (i.e., whether, and to what extent, applicants will be required to select programs to undertake compensatory mitigation in the same geographic area as the permitted wetland impacts or to contribute to regional wetlands priorities)

## *Conclusions*

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- Whether in-kind mitigation will be required or acceptable trade-offs can be made
- The need for clearly assigned responsibility for monitoring the success of wetland projects and ensuring accountability for taking corrective action if mitigation fails

Many wetland mitigation projects implemented by individual permittees have been criticized because of not only technical deficiencies, but also the lack of maintenance and long-term management. Programs that include explicit requirements facilitating operation and maintenance and long-term management may be an answer to this problem, and thus are among the more promising candidates for accommodating compensatory mitigation, to the mutual benefit of the permittee and the program. The lead agency/organization for such programs is often a public agency or private nonprofit

organization with established policies or guidelines for land stewardship, which may provide adequate assurance that individual wetland projects will be maintained and managed properly. However, even with a strong programmatic commitment to land stewardship, the success of wetland projects may be jeopardized (whether they are undertaken for compensatory mitigation or for resource management objectives) if there is inadequate funding for operation and maintenance, long-term management, and monitoring. Because a program would be more likely to facilitate implementation of compensatory mitigation if it was assured the benefit of adequate funding for stewardship responsibilities, §404 permits could be conditioned such that a portion of the compensatory mitigation fee is allotted to operation, management, and monitoring. These funds could be managed in a special account that was dedicated to funding operation, management, and monitoring of the mitigation site(s).

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<b>13. ABSTRACT (Maximum 200 words)</b> Fee-based compensatory mitigation can be attractive to permittee, regulator, and conservation interests. It enables the consolidation and more timely response to mitigation needs through fewer, larger wetland projects achieving economies of scale in terms of planning, construction, and other aspects of project implementation. Such programs can also provide greater ecological viability, greater probability of success, and greater ease of monitoring and management, and can also be established to focus greater attention on those restorations that complement regional wetland priorities. Existing programs that implement or facilitate wetland restoration, creation, or enhancement projects could also benefit from implementing compensatory mitigation. Under alternative arrangements, such programs could pool and coordinate the use of mitigation fees. This report identifies programs that, if given the appropriate implementation vehicle, could potentially accommodate fee-based compensation arrangements in the future. Brief profiles were prepared for 14 Federal, 9 state, and 6 nonprofit organization programs with potential for accommodating mitigation requirements.				
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